The Senate met at 11 o'clock a.m., and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, God, the baffling problems in which our lives are set bring to our lips the cry, "Who is sufficient for these things?"

Reveal to us how vast are the issues and how great the enterprise committed now to our hands in the tangled affairs of our agitated world.

"Violence shall be no more heard in thy land, wasting nor destruction within thy borders."

We ask it in the dear Redeemer's name. Amen.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Jones, one of his secretaries.

REPORT ON MARINE RESOURCES AND ENGINEERING DEVELOPMENT—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 275)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, accompanied by the accompanying report, was referred to the Committee on Commerce:

To the Congress of the United States:

Science and technology are making the oceans of the world an expanding frontier.

In preparing for the coming decades, we must turn our attention seaward in the quest for fuels, minerals, and food—and for the natural beauty of the seashore to refresh the spirit.

Yet the sea will yield its bounty only in proportion to our vision, our boldness, our determination, and our knowledge.

In preparing the Nation for forecast, we have taken new steps to strengthen the Nation's scientific and technological base for understanding and using the oceans. We have made good progress but much remains to be done in the years ahead.

The National Council on Marine Resources and Engineering Development, chaired by the Vice President, has made significant progress in mobilizing the resources of the Federal Government to meet these challenges. I am pleased to transmit to the Congress the Council's recommendations and annual report.

The Fiscal Year 1969 Budget, which is now before the Congress, includes $516 million for marine science and technology programs. Increased funding is proposed for:

- Broadening education and research in marine sciences, particularly in the Sea Grant and other university programs.
- Speeding up our research for an economical technology for extracting fish protein concentrate for use in the War on Hunger.
- Developing improved ocean buoys to collect accurate and timely data for better prediction of weather and ocean conditions.
- Expanding the Navy's advanced technology needed for work in the deep oceans, and for rescue, search and salvage.
- Constructing a new high-strength cutter for the Ice Patrol and oceanographic research in Arctic and subpolar areas.
- Preventing and alleviating pollution from spillage of oil and other hazardous substances, including: the continued mapping of the continental shelf to assist in resource development and other industrial, scientific, and national security purposes.
- Increased research and planning to improve our coastal zone and to promote development of the Great Lakes and our ports and harbors.
—Application of spacecraft technology in oceanography, and improved observation and prediction of the ocean environment.

Other nations are also seeking to exploit the promise of the sea. We invite and encourage their interest, for the oceans that cover three-fourths of our globe affect the destiny of all mankind.

For our part, we will:

—Work to strengthen international law to reaffirm the traditional freedom of the seas.

—Encourage mutual restraint among nations so that the oceans do not become the basis for military conflict.

—Seek international arrangements to insure that ocean resources are harvested in an equitable manner, and in a way that will assure their continued abundance.

Lack of knowledge about the extent and distribution of the living and mineral resources of the sea limits their use by all nations and inhibits sound decisions as to rights of exploitation. I have therefore asked the Secretary of State to explore with other nations their interest in joining together in long-term ocean exploration.

Such activities could:

—Expand cooperative efforts by scientists from many nations to penetrate the mysteries of the sea that still lie before us.

—Increase our knowledge of food resources, so that we may use food from the sea more fully to assist in meeting worldwide threats of malnutrition and disease.

—Bring closer the day when the peoples of the world can exploit new sources of minerals and fossil fuels.

While we strive to improve Government programs, we must also recognize the importance of private investment, industrial innovation, and academic talent. We must strengthen cooperation between the public and private sectors.

I am pleased and proud to report that we have made substantial progress during the first full year of our marine science program, dedicated to more effective use of the sea.

We shall build on these achievements.

LYNDON B. JOHNSON.


TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business and that statements made therein be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

PROPOSED AMENDMENT OF CONSOLIDATED FARMERS HOME ADMINISTRATION ACT OF 1961

A letter from the Secretary, Department of Agriculture, transmitting a draft of proposed legislation to amend the Consolidated Farmers Home Administration Act of 1961, as to provide for distribution of the compendium to physicians and others, and for other purposes (with an accompanying paper); to the Committee on Labor and Public Welfare.

REPORT OF NATIONAL ADVISORY COUNCIL ON EDUCATION PROFESSIONS DEVELOPMENT

A letter from the chairman, National Advisory Council on Education Professions Development, transmitting, pursuant to law, the first annual report of the Council, dated January 1968 (with an accompanying report); to the Committee on Labor and Public Welfare.

REPORTS OF THREE STUDIES REQUIRED BY THE FEDERAL WATER POLLUTION CONTROL ACT

A letter from the Secretary, Department of Interior, the reports of three studies required by the Federal Water Pollution Control Act, as amended by the Clean Water Restoration Act of 1968 (with accompanying reports); to the Committee on Public Works.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest and requesting action looking to their disposition (with accompanying papers); to the Disposition of Papers in the Executive Department.

The VICE PRESIDENT appointed Mr. MONROE and Mr. CARLSON members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A resolution of the House of Representatives of the State of Ohio; to the Committee on Finance:

"H. Res. 187. "Resolution to memorialize the Congress of the United States to establish a quota system for steel; and to provide for distribution of the compendium to physicians and others, and for other purposes." (with an accompanying paper); to the Committee on Labor and Public Welfare.

SUSPENSION OF DEPORTATION OF ALIENS—WITHDRAWAL OF A NAME

A letter from the Commissioner, Immigration and Naturalisation Service, Department of Justice, withdrawing the name of Yandranka Martinovic from a report relating to aliens whose deportation has been suspended, October 2, 1967; to the Committee on Judiciary.

PROPOSED SAFE DRINKING WATER ACT OF 1968

A letter from the Acting Secretary, Department of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Communications Act of 1934 by extending the authorization of appropriations for the Corporation for Public Broadcasting (with an accompanying paper); to the Committee on Commerce.

PROPOSED U.S. DRUG COMPENDIUM ACT OF 1968

A letter from the Acting Secretary, Department of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Food, Drug, and Cosmetic Act to provide for the United States Compendium of Drugs which lists all prescription drugs under their generic names together with reliable, complete, and readily accessible prescribing information and includes brand names, suppliers, and a price information supplement, and to provide for distribution of the compendium to physicians and others, and for other purposes (with an accompanying paper); to the Committee on Labor and Public Welfare.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:
the foreign labor cost differential, the reduction of American steel prices would be no solution; and

The problem cannot be solved by simply increasing American steel exports because of the great disparity in labor costs and, as above mentioned, because of the high foreign infrastructure investment in the form of duties, levies, and taxes, on American steel, which barriers are far higher and more difficult to impede on foreign steel coming into this country, and

There is a continued use of steel imports would weaken and erode the capability of the domestic steel industry to fulfill the barriers of high price and emergency demands of our National Security; and

Ohio is among the leading states in the use and production of steel, and the steel industry is one of the largest of Ohio taxpayers, so that the stress caused American steel companies by the rising amount of foreign steel importation is felt with particular gravity in Ohio; therefore be it

Resolved, That the members of the House of Representatives of the 107th General Assembly of Ohio, by adopting this Resolution, strongly urge the Congress of the United States, to move with the utmost haste to establish a sound and effective quota system on the import of foreign steel; and

Resolved, That the Clerk of the House of Representatives transmit duly authenticated copies of this Resolution to the President, the Vice President of the United States; the Speaker of the House of Representatives; and to each Senator and Representative from Ohio in the Congress of the United States.

Adopted February 27, 1968.

"CARL GUESS, Clerk.

A joint resolution of the Legislature of the State of Colorado, to the Committee on Finance:

WHEREAS, The Federal Government is in the process of establishing the control under 'the Federal Water Pollution Control Act', 'The Air Quality Act of 1967', and 'The Clean Water Act';

WHEREAS, Colorado and almost all of the rest of the States have enacted and are enforcing air, water, and other pollution control ordinances, programs, and regulations, which are aimed at protecting the quality of the environment within the States, and the health of the citizens;

WHEREAS, Pollution control facilities have been and are being installed to protect and to benefit the public and their cost should therefore be borne by the public; and

WHEREAS, Pollution control facilities are not generally economically productive and their enormous cost is a heavy burden on private business and industry; and

WHEREAS, Twenty-three states have enacted and many more are presently considering the control and regulation of pollution control facilities; and

WHEREAS, The major tax impact on private business and industry is made by the federal income tax; therefore, the federal government has the greater capacity for providing tax relief and incentives for pollution control facilities; and

WHEREAS, Since the federal government as well as state governments are requiring control of pollution, the federal government should share in the cost of providing tax relief and incentives to private business and industry for pollution control facilities; and

WHEREAS, The Federal Committee on Public Works has recognized the need for such tax relief and incentive for pollution control and has strongly urged the ap-

propriate committees of the Congress to consider such legislation; now, therefore,

Be it Resolved by the House of Representa-

tives of the Fourteenth General Assembly of the State of Colorado, the Senate concur-

ring herein:

That Congress of the United States is hereby memorialized to enact legislation providing tax relief and incentives to private business and industry for pollution control facilities.

Be it Further Resolved, That a copy of this Resolution be sent to each the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives of the Congress of the United States, and to each member of Congress from the State of Colorado.

MARK A. HOGAN, Speaker of the Senate.

COMPTON W. SHAW, Secretary of the Senate.

JOHN D. VANDERHOFF, Speaker of the House of Representatives.

HENRY C. KIMBROUGH, Secretary of the House of Representatives.

A resolution of the District of Columbia Council, Washington, D.C., praying for enactment of legislation to provide for pollution control and has strongly urged the ap-

propriate committees of the Congress to consider such legislation; now, therefore,

Be it Resolved by the House of Representa-

tives of the Fourteenth General Assembly of the State of Colorado, the Senate concur-

ring herein:

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MARK A. HOGAN, Speaker of the Senate.

COMPTON W. SHAW, Secretary of the Senate.

JOHN D. VANDERHOFF, Speaker of the House of Representatives.

HENRY C. KIMBROUGH, Secretary of the House of Representatives.
I would like to summarize the need for each of the bills I am introducing.

### INTERIM ASSISTANCE TO BLIGHTED AREAS

This bill would permit a community to take interim steps to alleviate harmful conditions in any slum or blighted area which is planned for clearance, rehabilitation, or code enforcement in the near future, but which needs some immediate action until the community's plan is approved by the Federal Government.

In 1949 Congress enacted urban renewal legislation designed to clear slums and provide adequate housing for all American families. Beginning in 1954 Congress recognized that the urban renewal program should not merely concentrate on action in a neighborhood but also emphasize neighborhood rehabilitation and conservation to avoid the necessity of clearance at a later date. Presently, there are two programs, rehabilitation and code enforcement, designed to assist communities fight blight without total clearance and the ensuing disruption to community life.

Yet all three programs, clearance, rehabilitation, and code enforcement, have the problem of not being quick responses to the needs of the residents of the neighborhoods. There is a time lag between the announcement that a community will be a renewal project and the actual beginning of work. It is during this time lag that the supply of credit in the neighborhood ends, that there are no community improvements and that there is further deterioration. This is particularly significant if the neighborhood is scheduled for conservation; the time lag may result in changing a neighborhood from one which can be saved into one which must be cleared.

It is difficult to explain to the residents of a neighborhood that action must be delayed a year while the application is reviewed and re-reviewed. This bill, if enacted, could, by cooperation to implement some of the needed neighborhood improvement. This is the purpose of the legislation. This bill could be that the rehabilitation activities might occur in an unplanned fashion and contrary to the community's objections. However, this legislation contains certain requirements that must be met before the community can proceed with this interim rehabilitation aid. They are:

1. The governing body of the community must determine that the neighborhood is not a menace to the public health.
2. The community must have in effect a workable program meeting the requirements of the Housing Act of 1949.
3. The property is in need of rehabilitation.
4. The rehabilitation of this property is consistent with the community's plan for rehabilitation or code enforcement.
5. This bill would extend these invaluable aids to neighborhoods which will be approved for rehabilitation in the near future. This extension is needed to assist a community to improve the living conditions for its residents. Why should we limit such assistance to areas that will be approved by the Federal Government when the need for this help may be greater in another neighborhood?

### DEMOLITION GRANTS

My third bill would amend the demolition grant program to authorize grants for demolition of nonresidential structures that constitute harborage or potential harborages for rats. In 1965 Congress established a program of grants to aid communities in destroying unsafe residential structures. This legislation has been most helpful in eliminating dwellings unfit for human habitation.

However, these grants are limited to residential structures and cannot be used for the demolition of nonresidential structures, such as garages, sheds, and outbuildings. This bill would authorize grants to communities to address nonresidential structures, such as garages, sheds, and outbuildings, which may be potential harborages for rats.

This bill has been specifically endorsed by the cities of Detroit, Philadelphia, and Chicago. These communities recognize that the rats are located in garages, sheds, and outbuildings. This bill would permit the destruction of these dwellings and the eradication of the rodents.

### AIR RIGHTS

My fourth bill would broaden the uses of air rights sites acquired in connection with an urban renewal project. In 1964 Congress enacted legislation to permit an urban renewal area to be included as an eligible part of an urban renewal project, but these sites were limited to housing for low and moderate income housing. In 1966 the use of air rights was extended to industrial projects.

This bill would extend the use of air rights for educational facilities, and would permit the Secretary to allow other uses as he deems appropriate. This legislation will give a community more flexibility in planning, and would be included in an urban renewal program.

Mr. President, I ask unanimous consent that these four bills be printed in the Record at this point.

The VICE PRESIDENT. The bills will be received and appropriately referred; and, without objection, the bills will be printed in the Record.

The bills introduced by Mr. Mondale, were referred restudy; one by his title referred to the Committee on Banking and Currency, and ordered to be printed in the Record, as follows:

S. 3138
A bill to amend the Housing Act of 1949 to provide interim assistance for blighted areas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title I of the Housing Act of 1949 is amended by adding at the end thereof a new section as follows:

"INTERIM ASSISTANCE FOR BLIGHTED AREAS"

"SEC. 118. Notwithstanding any other provision of this title, the Secretary is authorized to enter into contracts to make, and to make, grants as provided in this section (hereinafter provided under section 103(b) to cities, other municipalities, and counties for the purpose of assisting such localities in carrying out programs to alleviate harmful conditions in slum and blighted areas which are planned for extensive rehabilitation, or code enforcement in the near future but in which some immediate public action is needed until clearance, rehabilitation, or code enforcement can be undertaken. Such grants shall not exceed two-thirds (or three-fourths in the case of any city, other municipality, or county) of the cost of planning and carrying out pro-"
grams which may include (1) the repair of streets, sidewalks, parks, playgrounds, publicly owned utilities, and public buildings to meet needs consistent with the short-term continuation of the physical environment, (2) the taking of the contemplated clearance or upgrading activities, (3) the improvement of private structures in need of rehabilitation, (4) the elimination of the immediate dangers to public health and safety, (5) the improvement of garbage and trash collection, street cleaning, and sidewalk, curbs, and gutters, (6) the employment of temporary public playgrounds on vacant land within the area, and (7) the improvement of streets, sidewalks, curbs, and gutters.

The bill by adding after the first sentence the following: "No home improvement loan shall be insured hereunder to finance improvements which constitute a public nuisance and serious hazard to the public health and safety, (3) the demolition or rehabilitation of structures determined to be structurally unsound or unfit for human habitation and so certified to the Secretary, contains a substantial number of structures in need of repairs and safety, (4) the taking of the contemplated clearance or upgrading activities in a locality, a workable program meeting the requirements of section 101(c) of this title, and (5) the area is scheduled for rehabilitation or concentrated code enforcement within a reasonable time, and such repairs and improvements to any property is consistent with the plans for rehabilitation or code enforcement."
Sec. 2. For the purpose of this Act, the term—
(a) "Secretary" means the Secretary of the Interior;—
(b) "reclamation" means the reconditioning or restoration of an area of land or water, or both, which is substantially affected by surface mining operations;—
(c) "commerce" means trade, traffic, commerce, transportation, transmission, or commerce by navigation or otherwise between points in the same State but within the District of Columbia, or between points in different States or between points in the same State but through a point outside thereof;—
(d) "surface mining" means an area of land from which minerals are extracted by surface mining methods, including auger mining, (2) private ways and roads appurtenant to such area, (3) land, excavations, workings, refuse banks, dumps, spoil banks, structures, facilities, equipment, machines, tools, or other property on the surface, resulting from, or used in, extracting minerals from their natural deposits by surface mining methods or the onsite processing of such minerals;—
(e) "surface mined area" means any area on which the operations of a surface mine are conducted or will be conducted or which is otherwise affected by the regulation of such mines;—
(f) "person" means an individual, partnership, association, corporation, or other business organization;—
(g) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, or Guam; and—
(h) "State plan" or "plan" means the whole or any portion or segment thereof.

CONGRESSIONAL FINDING

Sec. 3. The Congress finds and declares—
(a) That the extraction of minerals by surface mining is a significant and essential industrial activity and contributes to the economic potential of the Nation;—
(b) That there are surface mining operations in the Nation that burden and adversely affect commerce by destroying or diminishing the availability of land for commercial, industrial, recreational, agricultural, and forestry purposes, by causing erosion and landslides and the pollution of waters, by destroying fish and wildlife habitats and impairing natural beauty, by counteracting efforts to conserve soil, water, and other natural resources, by destroying or impairing the property of citizens, and by creating hazards dangerous to life and property;—
(c) That regulation by the Secretary and cooperation by the States as contemplated by this Act are appropriate to prevent and eliminate such burdens and adverse effects;—
(d) That, because of the diversity of terrain, climate, biological, chemical, and other physical conditions in the areas for whose administration and enforcement the Secretary is responsible, the establishment of a nationwide basis of uniform regulations for surface mining operations for the reclamation of surface mined areas is not feasible;—
(e) That the initial responsibility for developing, authorizing, issuing, and enforcing regulations for the reclamation of surface mined areas should rest with the States; and—
(f) That the purpose of this Act is to provide a nationwide program to prevent or substantially reduce the adverse effects to the environment of surface mining, that adequate measures will be taken to reclaim surface mined areas after operations are completed, and to assist the States in carrying out such purpose.

MINES SUBJECT TO ACT

Sec. 4. After the effective date of this Act, each surface mine, the products of which enter commerce or the operations of which affect commerce and the surface mined area thereof shall be subject to this Act.

FEDERAL AND STATE COOPERATION

Sec. 5. (a) In furtherance of the policy of this Act, the Secretary is authorized, when he determines that it would effectuate the purposes of this Act, to cooperate with appropriate State agencies in developing and enforcing the regulations of surface mines and the reclamation of surface mined areas, consistent with the provisions of section 7 of this Act, and to cooperate with Federal agencies in carrying out the provisions of this Act.

(b) In cooperating with appropriate State agencies under this section, the Secretary may provide such agency (1) technical and financial assistance in planning and otherwise developing an adequate State plan for the regulation of surface mined areas and the reclamation of surface mined areas, (2) technical assistance and training, including necessary curricular and instructional materials, and financial and other aid for administration and enforcement of such a plan; and (3) assistance in preparing and maintaining a periodic inventory of surface mined areas and active mining operations within the State for the evaluation of current and future needs for mining and reclamation regulatory measures.

(c) The amount of any grant the Secretary makes to a State in meeting the total cost of the cooperative program in each State shall not exceed 50 per centum of such cost: Provided, That such grant shall not be made for a period longer than three years unless a State plan has been submitted and approved by the Secretary and thereafter such payment shall be contingent at all times upon the administration of the State program in a manner which the Secretary deems adequate to effectuate the purposes of this Act.

(d) The appropriate State agency with which the Secretary may cooperate under this section shall be responsible by law to the State of having responsibility for the administration and enforcement of a State plan approved under this Act: Provided, That the Secretary may, upon request of the Governor or other appropriate executive or legislative authority of the State, waive the requirement of this subsection if the plan approved under this section includes a State plan or revision thereof if—
(1) That the State, has failed to comply substantially with it or to enforce it adequately, he shall—
(2) That the Secretary determines that, in his judgment, the plan includes laws and regulations which—
(A) Promote a relationship between the various forms of public and private enterprise, including the preservation of essential natural resources and the conservation of reclamation and protection of the environment;—
(B) Are consistent with the provisions of this Act and with the plans submitted by the States; and—
(C) Are in the public interest and that such a plan shall be filed with, and approved by, the State agency and a permit be obtained to insure, before surface mining operations are commenced, that such mining shall be conducted in a manner consistent with said mining plan;

(e) The States, in connection with surface mines and surface mined areas, criteria relating specifically to the control of erosion, flooding, and pollution of water, (ii) the reclamation of toxic materials, (iii) the prevention of air pollution by dust or burning refuse piles or otherwise, (i) the reclamation of surface mined areas by revegetation, replacement of soil, or other means, (v) the maintenance of access through mined areas, (vi) the prevention of land or rockslides, (vii) the protection of wildlife and their habitat, and (viii) the prevention of hazards to public health and safety;

(f) That the reclamation of surface mined areas by requiring that reclamation work be planned in advance and completed within reasonably prescribed time limits;—
(g) That the provision for the extension of temporary changes in surface mined areas and in areas in which surface mines are operated and reclamation practices and techniques;—
(h) That the Secretary may, upon request of the Secretary, have the authority to make such reports to the Secretary as he may require; and—
(i) That the administrative review of the Secretary shall be final.

ADVISORY COMMITTEES

Sec. 6. (a) The Secretary may appoint advisory committees among others, State representatives, persons qualified by experience or affiliation to present the viewpoint of operators of surface mines, and persons qualified by experience or affiliation to present the viewpoint of conservation and other interested groups, to advise him in connection with the preparation and approval of plans under this Act.

(b) The Secretary may, in connection with any of the matters mentioned in section 6 of this Act, authorize the expenditure of such funds as the Secretary deems necessary to conduct investigations, or examinations as he deems appropriate and reports submitted by the States, as may be necessary. Before the plan is submitted to the Secretary, he shall make a continuing evaluation of the effectiveness of the approved plan.

(c) That the Secretary may, upon request of the Secretary, have the authority to request the States, to provide adequate measures for enforcement, including criminal and civil penalties for failure to comply with applicable State laws and regulations; periodic inspections of mining operations; periodic reporting by mining operators on the methods and results of reclamation work; the posting of performance bonds adequate to assure the effective reclamation of the land and the prevention of hazards to public health and safety, and the provision for the making of such reports to the Secretary as he may require; and—
(d) That the Secretary may, upon request of the Governor or the appropriate executive or legislative authority of the State, if the Secretary determines that, in his judgment, the plan includes laws and regulations which—
(A) Promote a relationship between the various forms of public and private enterprise, including the preservation of essential natural resources and the conservation of reclamation and protection of the environment;—
(B) Are consistent with the provisions of this Act and with the plans submitted by the States; and—
(C) Are in the public interest and that the plan be filed with, and approved by, the State agency and a permit be obtained to insure, before surface mining operations are commenced, that such mining shall be conducted in a manner consistent with said mining plan;

EFFECTIVE DATE

Sec. 7. (a) All provisions of this Act shall be effective upon the date of the enactment hereof, except—
(1) That the Secretary may, in connection with any of the matters mentioned in section 6 of this Act, before the Secretary has had an opportunity for a hearing:
(1) That the Governor or other appropriate executive or legislative authority of the State, if the Secretary determines that, in his judgment, the plan includes laws and regulations which—
(A) Promote a relationship between the various forms of public and private enterprise, including the preservation of essential natural resources and the conservation of reclamation and protection of the environment;—
(B) Are consistent with the provisions of this Act and with the plans submitted by the States; and—
(C) Are in the public interest and that the plan be filed with, and approved by, the State agency and a permit be obtained to insure, before surface mining operations are commenced, that such mining shall be conducted in a manner consistent with said mining plan;

(b) That the Secretary shall, after giving appropriate Federal agencies a reasonable opportunity to review and comment thereon, approve a State plan or revision thereof if—
(1) That the Secretary determines that, in his judgment, the plan includes laws and regulations which—
(A) Promote a relationship between the various forms of public and private enterprise, including the preservation of essential natural resources and the conservation of reclamation and protection of the environment;—
(B) Are consistent with the provisions of this Act and with the plans submitted by the States; and—
(C) Are in the public interest and that the plan be filed with, and approved by, the State agency and a permit be obtained to insure, before surface mining operations are commenced, that such mining shall be conducted in a manner consistent with said mining plan;

(c) That the Secretary shall, after giving appropriate Federal agencies a reasonable opportunity to review and comment thereon, approve a State plan or revision thereof if—
(1) That the Governor or other appropriate executive or legislative authority of the State, if the Secretary determines that, in his judgment, the plan includes laws and regulations which—
(A) Promote a relationship between the various forms of public and private enterprise, including the preservation of essential natural resources and the conservation of reclamation and protection of the environment;—
(B) Are consistent with the provisions of this Act and with the plans submitted by the States; and—
(C) Are in the public interest and that the plan be filed with, and approved by, the State agency and a permit be obtained to insure, before surface mining operations are commenced, that such mining shall be conducted in a manner consistent with said mining plan;

(d) That the Secretary may, upon request of the Governor or the appropriate executive or legislative authority of the State, if the Secretary determines that, in his judgment, the plan includes laws and regulations which—
(A) Promote a relationship between the various forms of public and private enterprise, including the preservation of essential natural resources and the conservation of reclamation and protection of the environment;—
(B) Are consistent with the provisions of this Act and with the plans submitted by the States; and—
(C) Are in the public interest and that the plan be filed with, and approved by, the State agency and a permit be obtained to insure, before surface mining operations are commenced, that such mining shall be conducted in a manner consistent with said mining plan;

(e) That the Secretary may, upon request of the Governor or the appropriate executive or legislative authority of the State, if the Secretary determines that, in his judgment, the plan includes laws and regulations which—
(A) Promote a relationship between the various forms of public and private enterprise, including the preservation of essential natural resources and the conservation of reclamation and protection of the environment;—
(B) Are consistent with the provisions of this Act and with the plans submitted by the States; and—
(C) Are in the public interest and that the plan be filed with, and approved by, the State agency and a permit be obtained to insure, before surface mining operations are commenced, that such mining shall be conducted in a manner consistent with said mining plan;
has not revised said plan and obtained the approval of the Secretary thereon, he may withdraw his approval of the plan and issue regulations for such State under section 8 of this Act.

FEDERAL REGULATION OF SURFACE MINES

Sec. 8. (a) If, at the expiration of two years after the effective date of this Act, a State fails to submit a State plan, or a State has submitted a plan which has been disapproved and has within such period failed to submit a revised plan for approval, the Secretary, in consultation with an advisory committee appointed pursuant to this Act, shall issue promptly regulations for the operation of surface mines and for the reclamation of mine lands. After the expiration of the two-year period, the Secretary, after public hearing, may delay the issuance of Federal regulations pending the approval of the State plan, or to develop or enforce Federal regulations, and for such purposes authorized by this Act, shall have the right of entry to any surface mine or upon any surface mine area.

(b) The head of each Federal agency shall permit by neglected representatives of the State or the Secretary to have the right of entry to any surface mine or upon any surface mine area.

(c) The Secretary shall not issue regulations respecting such period and after consideration of all views, or arguments, any person who may be heard. As soon as practicable, after the completion of the hearing, the Secretary shall publish in the Federal Register a notice specifying the provisions of the regulations with such modifications, if any, as he deems appropriate.

(d) On or before the last day of a period fixed for the submission of written data, views, or arguments, any person who may be adversely affected by the regulations which the Secretary proposes to issue for a particular State. Interested persons shall be afforded a period of not less than 60 days after the publication of such notice, in which to present written data, views, or arguments. Except as provided in subsection (c) of this section, the Secretary may, after the expiration of such period, consider all relevant matter presented, issue the regulations with such modifications, if any, as he deems appropriate.

(e) The Secretary shall publish in the Federal Register the regulations which he proposes to issue for a particular State. If no objections are filed within 30 days after such publication, the Secretary shall issue the regulations with such modifications, if any, as he deems appropriate.

(f) If such objections requesting a public hearing are filed, the Secretary, after notice and opportunity for the purpose of receiving evidence relevant and material to the issues raised by such objections, shall determine if any person may be heard. As soon as practicable after the completion of the hearing, the Secretary shall issue regulations in such form as he deems appropriate.

APPROPRIATIONS

Sec. 15. (a) There is authorized to be appropriated to the Secretary such sums as may be necessary to carry out the provisions of this Act.

(2) All appropriations and donations made pursuant to this Act, and all permit fees or other charges paid pursuant to section 8 of this Act shall be deposited in the Treasury to be known as the Mined Lands Reclamation Fund. Such sums shall be available, without fiscal year limitation, for carrying out the provisions of this Act.

OTHER FEDERAL LAWS

Sec. 16. Nothing in this Act shall affect in any way the jurisdiction of the Secretary or heads of other Federal agencies under other provisions of law to include in any lease, license, permit, contract, or other instrument such conditions as may be appropriate to regulate surface mining operations and to reclaim surface mined areas on lands under their jurisdiction; Provided, That such conditions shall be at least equal to any law and regulation established under an approved State plan or to any regulation issued under section 8 of this Act for the State in which such lands are located. Each Federal agency shall cooperate with the Secretary and the States, to the greatest extent practicable, in carrying out the provisions of this Act.

The letter and explanation presented by Mr. Jackson, are as follows:

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill, "To provide for the cooperation between the Federal Government and the States with respect to the regulation of surface mining operations and the reclamation of surface mined areas, and for other purposes." This bill is a brief explanation of its major provisions. We recommend that this bill be referred to the appropriate committee for consideration, and we recommend that it be enacted. It will carry out the recommendation of President Johnson in his message on this subject.

This very important proposal is based upon the findings and recommendations of the National Mining Study Commission and the Interior report entitled "Surface Mining and Our Environment", which the President transmitted to the Congress on July 5, 1967.

The study revealed that 3.2 million acres of land have been affected by surface mining in the past. Furthermore, at the present time active surface mining is disturbing our land at a rate estimated to exceed 150,000 acres annually. To the mining industry, it is estimated that by 1980 more than 5 million acres will have been affected by these operations.

While there are many mining companies with extensive current reclamation programs, data received from various sources indicate that recently as 1964, the amount of land being partially or completely reclaimed was approximately 30 percent of the area disturbed in that year. At the present time only 13 percent of the reclaimed area is being reclaimed; and 4 percent of the disturbed surface mined lands, and unless measures are undertaken to insure reclamation of these lands, our Nation's inventory of derelict lands will continue to grow. The study also showed that unreclaimed mined land is responsible for a great extent of hazards to public health and safety.

In our report, we proposed that a national program be undertaken which would include the following objectives: prevent damage to the land from surface mining and the repair of lands damaged by such mining in the past.

It was recommended that priority be given
The proposal would establish a State-Federal program for the regulation of surface mining operations in the Nation. The purpose of the program is to prevent in the future the needless degradation to the environment and destruction of land values which have occurred in the past, and to assure that the reclamation of surface mined areas after mining is completed.

The National Surface Mine Study authorized by Congress under the Appalachian Regional Development Act of 1965 found that surface mining throughout the Nation produces significant detrimental effects upon the land.

The proposal would apply to surface mines operating on the date of its enactment and thereafter to any one of the States through theExtensions of the authority for surface mining operations cease after the date of enactment. It would apply to such operations wherever found and the Secretary would conduct on Federal and Indian trust lands.

The proposal recognizes that because of the diversity of terrain, climate, and other factors facing all the States, it would be impractical to make a single State, a uniform system of regulations is both impracticable and undesirable. It gives the States the initial opportunity to control the problems now.

The proposal would authorize the Secretary of the Interior to provide both technical and financial assistance to the States in developing and enforcing adequate State plans for the regulation of surface mines and the reclamation of surface mined areas. The financial assistance would be in the form of grants to the States of up to 50 percent of the total cost of the program.

Only 11 States have laws regulating surface mining operations. Some existing State laws do not cover surface mining of all minerals. Thus, most State governments will need to enact State legislation to authorize such regulation or to amend existing regulations. Moreover, many of the State plans which have been submitted to the Federal Government do not include provisions for the control of dust or other pollutants. The proposal recognizes these problems and provides a system for instituting revisions by each State and the Secretary.

Two years after enactment of this proposal, the Secretary shall issue promptly Federal regulations for the operation of surface mines. These regulations would provide for the regulation of surface mined areas for any State or portion thereof which has not submitted a plan, unless the Secretary gives a 1-year extension to submit it. The proposals include provisions for the control of dust or other pollutants.

Only 11 States have laws regulating surface mining operations. Some existing State laws do not cover surface mining of all minerals. Thus, most State governments will need to enact State legislation to authorize such regulation or to amend existing regulations. Moreover, the Secretary of the Interior is authorized to postpone for a period of up to 2 years the effective date of any Federal regulations which he deems advisable.

In establishing Federal regulations for surface mining in a State, the Secretary is required to consult with an appropriate advisory committee. The regulations must be consistent with the appropriate criteria set forth in the State plan in this proposed legislation.

11. The Federal proposal would provide for the publication of proposed Federal regulations in the Federal Register and for a public hearing on request of interested parties.

12. The proposal would authorize a Mine Lands Reclamation Fund to carry out the provisions of this Act.

13. As we earlier said, the proposal would make the granting of permits applicable to Federal and Indian trust lands. If, however, would not repeal, modify, or otherwise affect present or future Federal statutes or regulations relating to surface mining operations except that, where there is an approved State plan or regulation issued under this legislation, the Federal lease, permit, etc., conditions must be at least equal to them.

14. The proposal would authorize the Secretary to carry out an accelerated program of research, studies, surveys, experiments, demonstrations, and training in aid of this legislation.

Mr. JACKSON. Also, Mr. President, I announce that hearings will be held by the Committee on Interior and Insular Affairs on this legislation, as well as S. 217 by Senator Lausche and S. 3126, by Senator Nelson, on April 30 and May 1 in room 3110, New Senate Office Building. The hearing will begin at 10 a.m. on April 30, and any person desiring to testify should notify the committee.

This hearing will take the place of the previously announced hearing on S. 217, June 30, where Senator Lausche's bill to provide a program for the reclamation of surface mining of coal only. Thus, all persons interested in any form of surface mining will have ample opportunity to study the provisions of the measure I am introducing prior to consideration by the Senate Interior Committee.

S. 3133—INTRODUCTION OF BILL TO EXTEND FOR 2 YEARS THE AUTHORITY FOR MORE FLEXIBLE REGULATION OF RATES OF INTEREST AND CERTAIN OTHER OPERATIONS IN AGENCY ISSUES

Mr. SPARKMAN. Mr. President, I introduce, for appropriate reference, a bill to extend for 2 years the authority for more flexible regulation of maximum rates of interest or dividends, higher reserve requirements, and open market operations in agency issues. The bill is explained fully in the letter of transmittal to the President of the Senate from the Secretary of the Treasury dated March 8, 1963.

I ask unanimous consent that the bill along with Mr. Fowler's letter be printed at the foot of the Record.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the Record.

The bill (S. 3135) to extend for 2 years the authority for more flexible regulation of maximum rates of interest or dividends, higher reserve requirements, and open market operations in agency issues, introduced by Mr. Sparkman of Alabama, is referred to the Committee on Banking and Currency, and ordered to be printed in the Record, as follows:

1. The bill would extend the authority of the Federal Reserve System to make loans to the Federal Farm Credit Banks for the purpose of increasing their lending capacity. The bill would also authorize the Federal Reserve System to make loans to the Federal Farm Credit Banks for the purpose of increasing their lending capacity.
S. 3132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Act of September 21, 1966 (80 Stat. 823), as amended by the Act of September 21, 1967 (81 Stat. 226), is hereby amended by striking "two-year" and inserting "three-year".

The letter, presented by Mr. Sparkman, is as follows:

THE SECRETARY OF THE TREASURY,
Hon. Howard H. Humphrey, Chairman of the Senate Committee on Finance, Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a draft of a proposed bill which I recommend for approval as a means of extending for two years the authority for more flexible regulation of maximum rates of interest on savings accounts by the Federal Home Loan Bank Board. The bill is similar to the one previously submitted by me in the 89th Congress.

The need for additional flexibility in the regulation of financial institutions is emphasized by the rapid growth of demand deposits at thrift institutions. Thrift institutions, because of their less sophisticated markets, are limited in their ability to manage their deposits. The Federal Reserve System is not in a position to provide adequate supervision to meet the needs of thrift institutions. Therefore, it is necessary to have a thrift-oriented regulatory agency with the authority to assist thrift institutions in coping with circumstances peculiar to their operations.

The bill does not alter the Federal Reserve System's regulatory responsibilities in the area of large banks. It is intended that these agencies complement each other.

The Act of September 21, 1966 extended the authority of the Federal Reserve Board to set interest rate ceilings on savings accounts, authorized higher reserve requirements for savings deposits, and permitted thrift institutions to offset deposit withdrawals with open market operations in direct or fully guaranteed obligations.

The Act of September 21, 1968 extended the flexibility of the Federal Reserve Board to set interest rate ceilings on savings accounts, authorized higher reserve requirements, permitted thrift institutions to offset deposit withdrawals with open market operations in direct or fully guaranteed obligations of any agency of the United States, and permitted an increase in the maximum reserve requirement for savings of Federal agencies.

The bill, similar to the one which was submitted to the Senate in the 89th Congress, would provide the Federal Reserve with flexibility similar to that provided for Federal agencies, but it is important to note that the bill would not alter any of the restraints on thrift institutions which were included in the Act of 1966.

The bill would give the Federal Reserve Board discretion to (a) increase reserve requirements for savings deposits, (b) permit thrift institutions to offset deposit withdrawals with open market operations in direct or fully guaranteed obligations of any agency of the United States, and (c) permit an increase in the maximum reserve requirement for savings of Federal agencies.

The bill is similar to the one which was submitted to the Senate in the 89th Congress. The purpose of the bill is to provide the Federal Reserve Board with additional flexibility in regulating thrift institutions. The bill is similar to the one which was submitted to the Senate in the 89th Congress and is similar to the one which was submitted to the Senate in the 87th Congress.

S. 3134—INTRODUCTION OF EQUIPMENT INTERCHANGE ACT OF 1968

Mr. MAGNUSON. Mr. President, I introduce, by request, for appropriate reference, a bill to facilitate equipment interchange and to permit carriers of different types to enter into agreements to move equipment. The purpose of the Equipment Interchange Act of 1968 is to permit carriers of different types to enter into agreements to move equipment. The purpose of the Equipment Interchange Act of 1968 is to permit carriers of different types to enter into agreements to move equipment.
Sec. 5. For the purposes of this Act common carriers by railroad are carriers of one class; common carriers by motor vehicle are carriers of one class; common carriers by water are carriers of one class; direct air carriers are carriers of one class; and, transportation companies located in a foreign country are carriers of one class. Direct air carriers shall maintain such accounts, records, files, and memorandums as may be prescribed by the Board, and all such accounts, records, files, and memorandums shall be subject to inspection by the Board or its duly authorized representatives.

Sec. 7. No order shall be entered by the Joint Board under this Act until interested parties have been afforded reasonable opportunity for hearing.

Sec. 8. The Joint Board may, upon complaint or upon its own initiative, investigate to determine whether any agreement approved by it under this Act has continued to be in conformity with the standards set out in section 4 of this Act, and may by order terminate or modify its approval in order to assure compliance with such standards.

Sec. 9. The Joint Board shall not approve an agreement under this Act unless it finds that the agreement preserves to the parties thereto the right to enter into a different agreement with other such carriers.

No provision of the Interstate Commerce Act, the Federal Aviation Act of 1958, the Shipping Act, 1916, or the Shipping Act, 1980, shall be construed as prohibiting procedures and agreements authorized by this Act, and every such procedure and agreement approved hereunder shall be excepted from the operation of the antitrust laws.

The letters, presented by Mr. Magnuson, are as follows:

EQUIPMENT INTERCHANGE ASSOCIATION, INC.,
Hon. Warren G. Magnuson,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

Dear Senator Magnuson: The Equipment Interchange Association is a significant step in the direction of improving the public interest by facilitating the effective and economical transportation of goods and services. We believe that through your leadership and with the passage of such legislation, we can achieve a better coordination among the various transportation modes to work together to achieve a more efficient economical transportation system that each is able to accomplish singly. The bill proposes to permit uniform equipment interchange agreements between carriers of the various modes and to provide anti-trust immunity to those carriers.

American President Lines has my complete and enthusiastic support in this effort. I believe in the equipment interchange agreements and I urge you to give your support to this measure and to bring it to enactment as soon as possible.

Very truly yours,
ALEM C. FURTH,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

THE CHESAPEAKE & OHIO RAILWAY COMPANY,
Hon. Warren G. Magnuson,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

Sir: The Equipment Interchange Association of Washington has drawn our attention to legislation they propose which would enable carriers of different modes to enter into equipment interchange agreements with each other.

We are thoroughly familiar with the problem this proposal would correct and we endorse the EIA recommendations without reservation.

We believe the first step in securing coordination between the various forms of transportation is the ability to freely interchange our equipment. Passage of this legislation would permit the negotiation necessary for removal of obstacles in the path of effective and efficient equipment interchange. We believe such action in the public interest and passage of this bill will speed up the coordination that all of us believe necessary for solution of today's complicated distribution problems.

Very truly yours,
E. W. WHITRIT,
Vice President.

SOUTHERN PACIFIC CO.,
Senator Warren G. Magnuson,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

Dear Senator Magnuson: It is my understanding that the Equipment Interchange Association is proposing agreement with other such carriers subject to the various regulatory acts, and the proposal is but a logical and practical extension of the same reasoning and purpose.

The present lack of flexibility between different modes is an obstacle to the development of modern transportation techniques. Uniformity and coordination are essential, and the proposal of the Equipment Interchange Association is a significant step in the direction of improving the public interest and Southern Pacific Company fully supports the objectives of the proposal.

Very truly yours,
RALPH W. ICKES,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

AMERICAN PRESIDENT LINES LTD.,
Hon. Warren G. Magnuson,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

My Dear Senator Magnuson: The legislative proposal of the Equipment Interchange Association has my complete and enthusiastic support and I urge you to give your name to its sponsorship.

The E.I.A. bill reflects the desire of the various transportation modes to work together to achieve a more efficient economical transportation system that each is able to accomplish singly. The bill proposes to permit uniform equipment interchange agreements between carriers of the various modes and to provide anti-trust immunity to those carriers.

American President Lines has a rapidly growing containerization program. The proposed legislation, in my opinion, is of inestimable value in bringing the economic benefits of containerization to the shipping public. I sincerely hope that you will give this measure your support and bring it to enactment as soon as possible.

Very truly yours,
RAYMOND W. ICKES,
Vice President.
CONGRESSIONAL RECORD — SENATE
March 11, 1968

As a pioneer in the development of container service to Hawaii and the Far East, Matson Navigation Company is interested in promoting efficient and economical intermodal movement of containers. Matson believes that there is considerable potential for increased movement of containers between inland United States points and points in foreign countries. Containers will move by air or land transportation within the United States and within foreign countries and ocean transportation between American and foreign ports. Such intermodal movements of containerized cargo will be encouraged and made more flexible if the procedures and provisions for equipment interchange can be standardized. Standardization necessarily involves agreements among carriers which have some anti-competitive aspects.

Each of the federal regulatory agencies has jurisdiction and statutory authority to approve equipment interchange arrangements among carriers subject to its jurisdiction, but none has authority to approve and to grant antitrust immunity for arrangements among carriers by different modes who are regulated by different agencies. The proposed bill would fill this gap. It is significant that the joint board, which would have the authority for approval of the equipment interchange agreements and would have jurisdiction over the procedures and provisions for equipment interchange, would be in the public interest and would serve to promote the foreign and interstate commerce of the United States.

Yours very truly,

Cecil J. Rivers

S. 3135—INTRODUCTION OF BILL TO EXTEND THE AUTHORIZATION OF APPROPRIATIONS FOR THE CORPORATION FOR PUBLIC BROADCASTING.

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to amend the Communications Act of 1934 by extending the authorization of appropriations for the Corporation for Public Broadcasting. I ask unanimous consent to have printed in the Record a letter from the Acting Secretary of Health, Education, and Welfare, requesting the proposed legislation to be referred to the Committee on Commerce.

The bill (S. 3135) to amend the Communications Act of 1934 by extending the authorization of appropriations for the Corporation for Public Broadcasting, introduced by Mr. Magnuson, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter, presented by Mr. Magnuson, is as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

March 11, 1968.

Hon. Hubert H. Humphrey,
President of the Senate,
Washington, D.C.

Dear Mr. President: Enclosed is a draft of a bill "To amend the Communications Act of 1934 by extending the authorization of appropriations for the Corporation for Public Broadcasting."

In view of the delay in the initiation of the Corporation's activities, it is unlikely that it would need or be able to use any appropriations this year. We anticipate, however, that it will begin to need and be able to use such funds in fiscal year 1969. The enclosed draft bill would take cognizance of this situation by substituting for the present authorization of $8,000,000 a fiscal year 1968 authorization of a like amount of appropriations for fiscal year 1969. As the President indicated in his message on education, we will be working with the Secretary of the Treasury, the Director of the Bureau of the Budget, and the Directors of the Corporation for Public Broadcasting, as well as appropriate Congressional Committees, to formulate a long-range financing plan.

We should appreciate it if you would refer the enclosed draft bill to the appropriate committee.

We are advised by the Bureau of the Budget that enactment of this bill would be in accord with the program of the President.

Sincerely,

Wilber J. Cohen,
Acting Secretary.

S. 3137—INTRODUCTION OF LAMB IMPORT QUOTA LEGISLATION

Mr. HANSEN. Mr. President, I introduce, for appropriate reference, a bill to amend the Agricultural Act of 1949 to provide for the importation of lamb meat.

Last year, Senator Hruska assumed the leadership in the Senate by authorizing a bill to revise the quota control system with regard to the importation of certain meat products. That bill, which I am a cosponsor, does not deal with the importation of lamb meat.

I believe that it is dangerous to strengthen only parts of our importation law, leaving other areas such as lamb meat unaffected. I am, therefore, offering this legislation at this time.

Essentially, this bill will limit the importation of lamb meat to an amount which is not greater than the yearly average which has been imported during the 5 calendar years previous to enactment of this bill. In addition, the bill provides that any purchases abroad of foreign lamb from New Zealand and Australia under, and for other purposes.

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the bill introduced by Mr. Hansen, be received, read twice by its title, and referred to the Committee on Finance.

CHANGE OF REFERENCE

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that the Committee on Armed Services be discharged from the consideration of S. 3053, for the relief of Mr. Jack Owens, U.S. Army, C/3-9/1/70, the bill C. 3053, for the relief of Mr. Louis Winokur, and that these bills be referred to the Committee on the Judiciary, since they are in the nature of private relief measures.

The VICE PRESIDENT. Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF BILLS AND CONCURRENT RESOLUTION

Mr. BYRD of West Virginia. Mr. President, on behalf of the senior Senator from Massachusetts [Mr. Kennedy] I ask unanimous consent that, at its next printing, the names of the senior Senator from Maryland [Mr. Bayh] and the junior Senator from Rhode Island [Mr. Pell] be added as cosponsors of the bill (S. 3052) to amend the Military Selective Service Act of 1967 to provide for the establishment of a volunteer army, and for other purposes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I also ask on behalf of the senior Senator from Massachusetts [Mr. Kennedy], at its next printing, the name of the junior Senator from Indiana [Mr. Bayh] to be added as cosponsor of the bill (S. 3045) to revise and extend section 317 of the Public Health Service Act to assure the continuation of various immunization programs authorized thereunder, and for other purposes.
The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I further ask unanimous consent on behalf of the senior Senator from Massachusetts [Mr. Kennedy] that, at its next printing, the names of the junior Senator on behalf of the senior Senator from Connecticut [Mr. Ribicoff] and the junior Senator from Wisconsin [Mr. Nelson] be added as cosponsors of the bill (S. 2889) to amend the Federal Power Act to facilitate the provision of reliable, abundant, and economical electric power supply by strengthening existing mechanisms for coordination of electric utility systems and encouraging the installation and use of the products of advancing technology with due regard for the preservation and enhancement of the environment and conservation of scenic, historic, recreational, and other natural resources.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, although the distinguished Senator from Pennsylvania [Mr. Clark] is on the floor and could make the request for himself, he requested me to do so last week; however, I did not receive the request until Saturday, so I make it now.

On behalf of the senior Senator from Pennsylvania [Mr. Clark] I ask unanimous consent that, at its next printing, the names of the junior Senator from Connecticut [Mr. Ribicoff] be added as a cosponsor of the resolution (S. Res. 47), known as the United Nations peacekeeping resolution.

The VICE PRESIDENT. Without objection, it is so ordered.

ELIMINATION OF RESERVE REQUIREMENTS FOR FEDERAL RESERVE NOTES—AMENDMENTS

AMENDMENT NO. 506

Mr. CURTIS submitted amendments, intended to be proposed by him, to the bill (S. 2857) to eliminate the reserve requirements for Federal Reserve notes and for U.S. notes and Treasury notes of 1890, which were ordered to lie on the table and to be printed.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on Tuesday, March 11, 1968, he presented to the President of the United States the following enrolled bill and joint resolution:

S. 889. An act to designate the San Rafael Wilderness, Los Padres National Forest, in the State of California, S.J. Res. 123. Joint resolution to approve long-term contracts for delivery of water from Navajo Reservoir to the State of New Mexico, and for other purposes.

NOTICE OF HEARINGS ON S. 356

Mr. PROXMIRE. Mr. President, on Monday, March 25, the Subcommittee on Financial Institutions of the Committee on Banking and Currency will hold hearings on S. 356, a bill to permit the establishment and operation of certain branch offices of the Michigan National Bank, Lansing, Mich. The hearings will begin in room 5302, New Senate Office Building at 10 a.m. Persons wishing to testify should contact Mr. Kenneth McLean, Committee on Banking and Currency, room 5308, New Senate Office Building.

WAIVER OF THE CALL OF THE CALENDAR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The PRESIDING OFFICER (Mr. Mon­toya in the chair). Without objection, it is so ordered.

VIETNAM

Mr. RIBICOFF. Mr. President, the reports we receive from Vietnam have increased our Nation's grave concern. Our attention is fixed on Khe Sanh, where week after week our troops are enduring the incredible trial of artillery and fire, as they await what may be the toughest battle of the war.

Recently, we followed the course of the Tet offensive—the fighting that spread through the towns and cities of Vietnam. Now we watch to see how well the life of a former country can be put back together again.

The figures used to calculate the number of dead and wounded, and the property destroyed, in no way measure the human misfortune and suffering. The pacification program has come to a standstill. More than 500,000 refugees, added to an uncertain but very large number, must now be cared for.

Against the backdrop of these events, it appears that there are strong pressures for increasing U.S. troop strength in Vietnam. No one seems to be sure how many are involved—perhaps 50,000, perhaps 200,000, perhaps even more.

The substance of the rumors is familiar; for a heightened military commitment in Vietnam has repeatedly been the U.S. response to setbacks in the past. The dates and details are history—history well known and widely reviewed. But the debate continues and intensifies.

The time has come for us to leave history to the historians. By now the lessons of the past should be firmly enough in mind. Now we should put them to good use while concentrating wholly on the problems of today. The most basic—the highest priority—matter before us is the question of a greater military commitment in Vietnam.

If the executive branch is considering a step that will mean greater military involvement in Vietnam, this matter should first be brought before the appropriate committee may and soon that reference be made to the Committee on Armed Services and the Committee on Foreign Relations should have sufficient time and be provided with ample information to thoroughly review any substantial change in policy.

In March 1964, in an article about the legislative branch of the Government, I wrote:

Congress need not and should not be content simply to react to Presidential requests. Congress should make its own independent assessments of the nation's problems and come up with its own answers.

Times have not changed my belief; for too often, and for a variety of reasons, this is not what happens.

Yet, for the strength and welfare of the country, we know that it must happen, especially when a major policy such as that in Vietnam is involved.

This body and the people we represent are deeply concerned.

There are those who disapprove of the very fact of a military commitment in a distant land and when our resources are badly needed at home.

Many question the sense, indeed, the morality, of destroying villages, towns and whole sections of cities and they question the argument that this is the way to "save" a nation.

Still others want an intensification of the bombing of North Vietnam and a widening of the war.

Certainly, everyone condemns the draft, corruption, and diversion of U.S.-financed commodities in Vietnam, just as each of us resents the fact that only this month are 19-year-olds for the first time drafted into South Vietnam's military forces. The drafting of 18-year-olds is scheduled to begin on May 1. Although our own young men of this age have long served in Vietnam, it has taken years of prompting and prodding by the United States to bring about this change in the draft policy of South Vietnam.

Sometimes we cannot help but question the depth of the South Vietnamese government's commitment to their own cause.

For we know that the war is their war, that the United States can offer only so much help, and in the long run, the South Vietnamese must win the fight in social, political, and economic terms.

All of us are aware that no one wants peace more urgently than the President. We applaud his efforts. We hope that he will pursue every approach to peace with any given the remotest—possibility of success.

Our goal is negotiations and an honorable settlement.

Let us move with imagination and perseverance on many paths at one time.

Last November, the Senate unanimously passed a resolution urging the President to press hard to bring Vietnam before the Security Council. I hope that he will renew and redouble his efforts in this cause.

Let us try restricting the bombing of the North to those targets that will protect the lives and safety of our troops.

The U.S. military presence in and around the area just south of the China border contributes neither to the protection of our men nor to the security in South Vietnam.

Negotiations imply compromise on both sides. We have assurances from Secretary General U Thant and others that a halt in the bombing will bring negotiations. We should test these assurances in concrete terms.

The distinguished majority leader, Senator Mansfield, showed his usual wisdom when last Thursday, on the floor of the Senate, he suggested:

Let us play down a military solution to the war and play up the possibility of an honorable, negotiated settlement. Let us give
MEDICAL EXPERIMENTATION ON HUMAN BEINGS

Mr. JAVITS. Mr. President, at my request, the Legislative Reference Service of the Library of Congress prepared a study on medical experimentation on human beings. With my permission, this material will serve as the basis for the Michigan Society of Pathologists Carl V. Welker lecture on "Volunteer Participation in Clinical Investigation," delivered by Dr. Frank W. Hartman, medical research adviser, Office of the Surgeon General U.S. Air Force, and Dr. Freeman H. Quinby, specialist in science and technology, Science Policy Research Division of the Library of Congress.

With the expansion of scientific research to the point where more than $2 billion of medical research alone is conducted annually in this Nation, it is most important that every possible care be exercised to protect the rights of the individual who, as a subject, might be involved.

I ask unanimous consent that the lecture, which contains the essentials of the Library of Congress study, to which I have referred, be printed at this point in the Record.

There being no objection, the lecture was ordered to be printed in the Record, as follows:

Volunteer Participation in Clinical Investigation


INTRODUCTION

I attended the Chicago Meeting of the "National Society for Medical Research" in 1965. At that time the clergy were vehemently and one hundred percent opposed to all research. The editors of Science and the New England Journal of Medicine were outspoken in favoring and defending the same, as essential medical research. The whole role of medical research in the USA is one of concern, even of danger. Surely such a procedure, or one along similar lines, would be far more preferable to more men, more aliens, more taxes, more regulations, more war.

Furthermore, I would call attention to my proposal of February 1966. At that time I urged the President to name a date and a place and invite all interested parties to participate in a preliminary conference on the war in Vietnam. This proposal remains as valid today as it was then.

So far, our search for peace has not borne success. This does not mean that we should give the search less emphasis. The stakes have never been higher. We must strengthen, continue, and expand our search.

We must be on our guard to keep pessimism from ruling our judgment. It will be a tragedy for our Nation in the world if our military policy stays the promise of a possible approach to negotiations, settlement, and an end to this tragic war.

These challenges and continuing concern and criticals over the actual practice of medicine in modern society have stimulated various new considerations.

The first and greatest stimulus for concern and changes in medical research was principally, to the tremendous increase in medical research with the liberal support of the Federal Government. From 1933 to 1940 the total expenditures from all sources for medical research in the United States were calculated at $87 million. National expenditures for medical research in the United States had increased 20 times, amounting to $2 billion in 1967. The very extensive spread of efforts for clinical research during this time resulted in the building and manning of clinical research centers throughout the United States. At present, the greatest concentration in the Midwest and East. This increase in clinical research centers naturally resulted in the greater demand for more patients and more volunteers with whom clinical investigation could be increased and intensified.

A relatively new factor in the demand for human subjects in clinical trials was the large increase in volume of the new drugs and biologies, coupled with the restrictive regulations of the Food and Drug Administration. Although some of this testing could be done in animals, results translated into the results obtained in clinical trials on human subjects and were not acceptable to the Food and Drug Administration. A second development which increased demands for clinical investigation was the growing demand to apply all new information quickly to the health services of the Nation generally. A further stimulus was the statement of the President in June 1966 at a meeting with the National Institute of Health: "I am keenly interested to learn not only what biomedical research buys but what the payoffs in terms of health services for the future make sure that no life-giving discovery is locked up in the laboratory."

In December 1964 the President's Commission on Heart Disease, Cancer and Stroke submitted its report to the President and Mr. Lister Hill, Chairman, testifying before the Senate sub-committee, urged a fund instead of $50 million asked by the administration bill, an official outlay of more than $40 million for the expanded to an accumulated total of $8 billion for the 5-year plan to finance a network of medical complexes. The final result was an additional outlay of $40 million due to the health services for the period from October 1965 to July 1968.

This gigantic increase in funds for clinical research centers and health research generally stimulated the demand for more experimental treatments on patients and the assurance of full protection for the individual rights and safety of these patients and volunteers participating in related clinical investigations. Beecher notes that "talking shops about the ethics of research and the phases of recent years that experimentation in man must precede the general application for the experiment (plus the great sums of money available), there is reason to fear that these requirements and these resources may be greater than the supply, and may be responsible for..." All of this heightens the problems under discussion—(volunteer participation).

Medical schools and teaching hospitals are increasingly dominated by investigators. Every young medical man knows that he will never be promoted to a tenure post, or a position in a teaching hospital, unless he has proved himself as an investigator. If the ready availability of money for controlled clinical research and the expected increase in this capacity can see how great the pressures are on the young physician, "Implementation of the recommendation of the President's Commis-
tion on Heart Disease, Cancer and Stroke means that further astronomical sums of money will become available for research in man."

There is increasing controversy concerning the consent of subjects in human experimentation. Although the publicity on this matter has occurred during the last three or four years, neither the problem nor the arguments are new. Without a doubt, the beginning was in 1962 with the debate surrounding the so-called Tuskegee experiment in the Food, Drug and Cosmetic Act. Although there was little argument at that time over the ethics of the experiment, thereafter eventually followed difficulties in interpreting this in experimental practice, and presumably some overuse of the judgment exercised, the in the consent provision of the legislation.

The problems and issues regarding human experimentation, widely discussed in 1969, were brought up again. The United States Public Health Service recognized the problems in human experimentation and awarded a $97,000 grant to the Boston University Law-Medicine Research Institute to conduct a study of actual practices in Clinical Investigation in the United States regarding legal, moral and ethical issues. Special studies were conducted regarding drug trials, use of children in medical research, the use of prisoners in medical research, particularly the legal issue of the informed consent of research subjects and patients used for experimental research. The following 3-year study was conducted by lawyers, physicians and clinical investigators. The detailed findings of this group were published in 1968 under the title "Clinical Investigation in Medicine," edited by Ladimer and Newman. The current policies of the United States Public Health Service so far as relate to the ethical recommendations made by this government-sponsored study.

One of the groups of human experiments most widely publicized, both in the lay press and in the medical publications, was the research project which included the injection of live cancer cells into hospital patients, whose consent was, to say the least, very questionable, and evoked extreme adverse publicity. As a specific example, a press report concerning a case of attempted patient suicide in a hospital published in the fall of 1965 under the title, "How Doctors Used Patients as Guinea Pigs!"

In the Wall Street Journal credited Dr. Henry Beecher with the remark, "What seem to be breaches of ethical conduct (in failing to get consent) are by no means rare, but are almost, one fears, universal."

The anticipated controversy at this time is said to have caused one major research institution, the Cleveland Clinic, to substantially reduce its studies involving human subjects because of the present legal and ethical questions before the public. Their Director of Research, Dr. Irving Page, stated, "We don't want to be the test case."

Agents of the University of the State of New York, acting under their responsibilities for licensing of medical men, found two individuals, Doctors Chesterman and Nunneman, involved in the live cancer cell experiment, guilty of unprofessional conduct, fraud and deceit in the practice of medicine. At about the same time, however, the trial of the American Medical Association posed the question, "Whoever Gave the Investigator His Consent?"

"Go not among the living Martyrs!" This New York episode was followed by a nation-wide survey of limitations and objections to informed consent for which information was retardaed by Dr. Wolfensberger, who reported that "when experiment was mentioned in connection with a handicapped individual, responses were strong and vehement but at times absolutely irrational."

Nobel Laureate, Dr. Joshua Lederberg, discussed these issues in the Washington Post, April 23, 1967, as follows: "Medical science rests on controlled observations of human beings. Every person who is healthy and alive and has been improved by medical care is indebted to a potentially dangerous risk, an experiment for the benefit of his fellows."

"Clinical experimentation poses some of the most important responsibilities to society, but the responsibility is shared by everyone who benefits from modern drugs and advanced surgery. Intemperate use of experimental techniques against clinical research since we do not yet have workable norms. Nevertheless, for every experiment the patient involved deserves some insufficiently regulated clinical trial, a thousand patients suffered by being untreated or malpractised with scientifically unsound or less than ideal drugs and procedures."

"In a society dedicated to personal liberties no one should be subjected to arbitrary risks against his will, hence every responsible physician and clinical investigator should support the principle of noting voluntary consent for the right to recruit subjects into research studies which involve significant new risks."

"The criteria of informed consent is, however, in a situation involving trivial risks may frustrate experimental design for a trivial advantage of personal security. Equally important, in understanding the understanding of experimental medicine that goes far beyond the training of most laymen and sometimes of the clinician."

"Will it be necessary for every patient to have the advice of counsel before a physician uses any technique unknown to Hippocrates?"

"Some medical practices could be answered only by such an authority."

"The ethical issue rests in part in the question of total responsibility for participating in medical progress in contrast to the legality of his motives and legal rights to protect his body."

"How much information must a person have before he could prudently risk his life? To take an unhappy example, it is plain that astronauts had ventured to take one of the most painful of experiments of all times, but did they acquire informed consent reach to the possibility that trial runs on the ground might be more hazardous than the actual flight?

"Yet far more detailed criteria of informed consent are being proposed for medical research with grave penalties for physicians who fail to provide the patient with their own judgments for legally airtight forms."

"Risk is a part of life, but the purpose of medicine is to mitigate hazards. No subjects should be asked to make any sacrifices that could be avoided, and especially if the essential aims of clinical investigation can still be achieved. The very expression in the informed consent be to mind insurance, and there is an important step that we could to take to rationalize the patient's role in human subjects."

"Besides giving their knowing consent, they should be insured against the medical hazards, the costs of premiums being acceptable. As such, insurance would substitute for informed consent. It would be the same as that patients might have to be insured at a level appropriate to his risk."

"Accumulated costs of the premiums would discourage the over exposure of patients to risks beyond the significance of the expected results. Above all, the insurance concept would provide the basis of evaluating the rights of the patient-subject for which informed consent might be an ideal but practically unworkable alternative.

"The costs of insurance might be added as the costs of research. However, these costs are already in the practice in the field of the subject of this public statement, which is classified as a risk insurance in experimental practice and that results in lawsuits."

Most hospitals, research centers, research laboratories and physicians already carry liability insurance. This insurance could be arranged to cover research volunteers specifically. As a matter of fact, it is probable that this insurance coverage is already extensively employed."

The following approaches were used:

1. A survey of patient categories in NIH supported projects.
2. The number of patients involved in NIH clinical investigations.
3. A number of research and training grants projects involving humans in a clinical and non-clinical context.
4. The number of projects involving human experimentation in the United States.
5. The number of drugs tested on human subjects by the pharmaceutical industry.
6. FDA estimates of the number of persons subject to clinical trials with drugs.
7. The cost of drug development as it related to human experimentation.
8. The estimated number of projects involving human experimentation in the Veterans Administration.
9. The number of professional personnel engaged in human research in the United States.

The overall message from these items indicates a very large volume of human research subjects.

ETHICS OF CLINICAL INVESTIGATION IN BRITAIN


Supervision of the Ethics of Clinical Investigations in Institutions Report of the Committee Appointed by the Royal College of Physicians of London"

Following the receipt of a letter on 5 September 1966 on this subject from certain Physicians of the Royal College of Physicians, the following was appointed a committee to consider how far supervision of clinical investigation was required, and if it was required, what best it might be effected.

"The design and conduct of clinical investigation should be guided by a code of ethics for the Code of Ethics of the World Medical Association (Declaration of Helsinki) is accepted throughout the civilized world."

"Members of the Committee: Sir Max Rosenheim (Chairman), Dr. F. Avery Jones, Dr. G. M. Bull, Professor D. V. Hubble, Dr. J. W. E. Nabarro, Professor D. R. Laurence, Dr. J. P. S. Stock, Dr. K. Robson, and Dr. P. A. Emerson."
On December 12, 1966, the Surgeon General of Public Health Service in a report on clarification of the policy of the Medical Research Council concerning research involving human subjects, explained the application of PPO #129 to include investigations in the behavioral and social sciences.

This new guidance and direction now goes beyond the institutes and the clinical center level. It concerns the intramural clinical research program of the Public Health Service, including institutions and projects it supports in foreign countries. In the United States, approval under the same guidelines includes most of the hospitals affiliated with university medical schools.

The Public Health Service continues to seek guidance on issues which pervade the pursuit of clinical investigation. The Public Health Service has awarded a $10,000 grant to the American Academy of Arts and Sciences in Boston to support an inquiry into the moral and ethical basis for research in human subjects. This study will involve a series of conference discussions, in which lawyers and sociologists as well as physicians and scientists will participate, based on a preliminary analysis of various aspects of the problem.

**THE VETERANS' ADMINISTRATION**

The Veterans' Administration maintains the largest public hospital system in the world. It is very active in clinical investigation. In 1964 the Veterans' Administration abandoned its policy of oral consent for experiments on human subjects, and now requires the consent from the patient to be secured by his signature or that of his next of kin.

"Ethical and scientific considerations dictate, however, that these investigations must be undertaken only after mature thought, after rigorously defined and controlled conditions, and under circumstances that will minimize the dangers of unpredictable or unknown risk. The code on which all such investigations must rest is that human beings have inalienable rights which supersede all other considerations that may be raised in the name either of science or of the general public.

The responsibility of the physician for the physical and mental well-being of persons in his care and for observance of the ethics of his profession cannot be over-ridden by any considerations of the general public. The responsibility of the physician for the protection of the patient makes it imperative that the physician be intimately concerned in the decision concerning the patient's interest in the relationship between the physician and surgeon and persons in his care.

There are several echelons of review of ethical considerations in clinical programs. These begin with the local Research and Development Committee of each Veterans Administration installation where research is carried on. Then it goes on to the Hospital or Center Director, with a further review by the appropriate research coordination at Central Office in Washington, D.C.

**THE FOOD AND DRUG ADMINISTRATION**

The Food and Drug Administration is responsible for the enforcement of the federal law which provides for the protection of human patients in experiments to which they are subjected. The only Federal law there is which specifically requires the subject's consent for participation in an experiment. The provision has to do with new drug experiments and reads as follows:

"Experts using such drugs for investigational purposes certify to such manufacturer or sponsor that they will inform any human beings for whom such drugs are being used of the investigation and that they will obtain the consent of such human beings or their representatives except where they deem it necessary to the best interests of human beings."

It will be noted that the language of the law does not specify that the consent be in writing, however, the Food and Drug Administration has in ruling made pursuant to the law that..."
now requires the subject's signature, or, if not, that there be a recorded statement of why not. We understand that the term "informed consent" is to be broadly interpreted and not subject to regulations. The statute, in effect since its passage in 1963, was left to speak for itself until the human experimentation controversy of last year.

SUMMARY

It may be concluded that controls specifying the consent of human beings in clinical research have been inadequate. In the form or another over the past many years, but that these are now increasing in number and in detail. It may also be concluded that all agencies, and especially the Public Health Service, are implementing a series of volunteer steps to protect both the scientists and their colleagues in the achievement of health goals of the nation. It is too early to determine whether or not Public Health Service reacted too quickly to the "danger," whether it overreacted, or whether the reaction itself does not imply a greater degree of unethical practice than do the actual facts.

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Dr. Henry M. Heilbroner, Director, Division of Human Subjects Research, National Institutes of Health, and the performers of investigations in the achievement of health goals of the nation. It is too early to determine whether or not Public Health Service reacted too quickly to the "danger," whether it overreacted, or whether the reaction itself does not imply a greater degree of unethical practice than do the actual facts.

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March 11, 1968

CONGRESSIONAL RECORD - SENATE

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to other steps in the process of urban development. Transportation decisions we make today will determine the shape of the urban environment in which we will live and work until the year 2000. I am particularly pleased to note the determination to develop reliever airports for general aviation at convenient locations. This may serve to alleviate the congestion at our major metropolitan airports.

This plan is not perfect, I am sure, nor does it provide us with all the answers to the great problems of urban transportation, but it does, in a general and historical way, relate mass transit in at least one metropolitan region. In particular, it seeks to come to grips with the crucial need to provide for the interdependence of city and suburb. It is the suburbs that will absorb the greatest part of an estimated increase of 7 to 15 million in the population of metropolitan New York in the next two decades. At the same time, there will be considerable growth in jobs in the Manhattan central business district. As the plan notes:

To man this huge office complex and to serve it, we must make provision to transport people from each of the outer reaches of the city and the suburbs. . . . Our ability to get people to their jobs and goods to the marketplace is a fundamental challenge in a rapidly urbanizing society.

The State of New York has been most enterprising in meeting the responsibilities of State government in a modern era. Under Governor Rockefeller's leadership, there have been enormous progress in education, health and welfare. New York has combined imaginative planning with the technique of financing to get action in the critical fields of water pollution and transportation. The voters of the State have approved a "pure waters" bond issue of $1 billion and, last November, a transportation bond issue of $2.5 billion. The plan presented to Governor Rockefeller by the Metropolitan Transportation Agency and approved by him represents another creative, innovative step in the renewal and rebuilding of New York's urban areas and in reforming the institutions of government to meet the needs of a changing society.

New York's example will, I hope, be of great use to all other States with metropolitan complexes.

Mr. President, I ask unanimous consent to print an editorial which appeared in the New York Times with regard to this plan be printed at this point in the Record.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

**BETTER TRANSPORTATION AHEAD**

A brighter day for metropolitan transportation is dawning. The comprehensive plan submitted today to Governor Rockefeller by the Metropolitan Commuter Transportation Authority gives real promise of bringing great improvements to subway riders and to commuters alike within the next ten years.

A Second Avenue subway, extending into the fast-growing northeast Bronx; new subway lines into the parts of Long Island that need them most; a Long Island Rail Road connection that will speed travelers in twenty minutes from Kennedy International Airport into a mammoth new terminal at the intersection of Third Avenue and East 48th Street are among its features.

The plan, made possible by voter approval last November of the $2.5-billion transportation bond issue, is still tentative. Although Dr. William J. Ronan, chairman of the M.C.T.T.A., and his staff have had discussions with the City Planning Commission and county and local planning agencies elsewhere in the area, the plan has not yet been submitted to Mayor Lindsay and the Board of Estimate for approval. The Governor and the Legislature must likewise give their endorsement before the plan can become law.

Nevertheless the plan's publication is an epic forward step in the long struggle for a comprehensive plan for the urban area.

The plan recognizes that the Manhattan business and financial district, south of Central Park, is and will continue to be the essential base for the economic well-being of the entire area. The aim is to improve the major traffic arteries more than twice the million people daily in and out of this area from the outer reaches of the city and the suburbs.

The program will be costly. But, in the light of projections forecasting a growth of seven million people in metropolitan population by 1986, that cost merely mirrors the need.

One unfortunate defect is that the M.C.T.T.A.'s plan conforms to the findings of the Tristate Transportation Commission, the official planning agency for the metropolitan district, its basic features are not likely to be fundamentally altered.

The plan is not perfect, I am sure, and does not provide us with all the answers to the great metropolitan challenge in a rapidly urbanizing country. This may serve to alleviate the congestion at our major metropolitan centers.

The comprehensive plan, including a new second avenue subway, extending into the nineteen-eighties, is and will continue to be the predominant move to unify mass transit in the main, it conforms to the findings of the Tristate Transportation Commission, the official planning agency for the metropolitan district, its basic features are not likely to be fundamentally altered.

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Another significant aspect of the plan is the Long Island Rail Road connection that will provide a new terminal at about 48th Street. This long-projected scheme would end the problem of the Long Islander who worked on the Long Island and New Haven commuter lines and has to change trains by heading down Croton or Buffalo or Bangkok.

Among the major second-phase projects in the program was "a new midtown distribution system between 42nd, 48th, and 53rd Streets."

The details of the midtown distribution system are far from resolved, and various technological means may be considered.

Among those suggested in the blueprint were high-speed moving sidewalks, small rail cars, trailer buses, or other guided systems to link terminal buildings and facilities such as airports, hotels, office buildings, government and trade offices, stores, offices, theatres and other CBD (Central Business District) travel points.

Among the major projects of the first phase would be:

A new subway under Second Avenue in Manhattan extending north from 54th Street to 52nd Street.

A new Bronx line connecting the Second Avenue project with the existing Dyre Avenue and Upper Pelham Bay lines. Bronx residents, including those who will move into projected housing developments such as Op City, would be able to ride to work down the Second Avenue line or take other trains that would cut west on Sixty-Third Street and north on a new path to White Plains or tracks on the Seventh Avenue IRT. There would be no need to change trains.

Extensive new service in Queens. One additional line to Long Island Rail Road would run to the Queens College area and to southeast Queens along the Long Island's Atlantic branch as far as Springfield Boulevard. Riders would be able to ride to work down Second, Sixth or Seventh Avenue after connecting through the new Eighth Avenue IRT.

A Long Island Rail Road spur to Kennedy International Airport. It would provide 20-minute service from Manhattan with only one stop.

Less ambitious extensions in Brooklyn and rehabilitation of the Staten Island railway to accommodate population growth accelerated by opening of the Verrazano-Narrows Bridge.

A Long Island Rail Road connection from the 63rd Street tunnel under Third Avenue to a new terminal at about 46th Street. This long-projected scheme would end the problem of the Long Islander who worked on the Long Island and New Haven commuter lines and has to change trains by heading down Croton or Buffalo or Bangkok.

Funds from bond issue

The plan, drawn up by Metropolitan Commuter Transportation Authority, which Dr. Ronan heads, is designed to ease the burdens of rush-hour congestion, speed travel time to work on both subways and commuter trains, and facilitate access to Kennedy International Airport and airports handling private planes.

At a news conference at which the plan was announced, Governor Rockefeller stepped to the podium from a front-row seat and said:

"I think we have been witnessing a historic event."

He explained that it was the first time in the nation's history that there had been a comprehensive transportation plan in which all modes of travel were pulled together.

The program will be costly. But, in the light of projections forecasting a growth of seven million people in metropolitan population by 1986, that cost merely mirrors the need.

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within five years and completing the projects within 10 years. Dr. Ronan stressed that the cost figures had been calculated at current price levels and that any delays would give time for inflation to increase the costs, perhaps "beyond our capacity to meet them."

PRESIDENT OF THE UNITED STATES

The transit blueprint was the third major Rockefeller project announced in as many days.

On Monday he outlined a program of compulsory health insurance that will be presented to the Legislature next week. On Tuesday he proposed a "revolutionary" multi-billion-dollar plan to deal with special slum-rebuilding corporation with "drastic" powers to override cities' regulations, when necessary.

The programs have long been in the works. And the date for presentation of the transit program was dictated in large measure by the fact that, on Friday, Dr. Ronan's agency takes over "unified policy direction and control" of most metropolitan-area transportation including the subways.

It is now mainly responsible for operation of the state-owned Long Island Railroad and for working toward modernization of other commuter lines.

HIGHLIGHTS OF PROGRAM FOR IMPROVED TRANSPORT

Here are highlights of the two-phase transportation program recommended to Governor Rockefeller by the Metropolitan Commuter Transportation Agency.

**PHASE ONE**

To be completed within 10 years. Cost: $1.6 billion. Financing: State Transportation Bond Issue funds, local and public authority contributions, and Federal aid.

**Subways**

A high-speed express track for the Queens Boulevard subway along the Long Island Railroad main line right-of-way.

Extensions of the Queens Boulevard subway to serve northeastern and southeastern Queens.

A new Second Avenue subway in Manhattan from 34th Street to the Bronx with connections at 83d Street to Queens and the West Side.

A new express line in the Bronx connecting the Second Avenue subway with the Dyre Avenue and Van Swearingen lines.

A 63d Street crosstown subway.

Extension of the Northeast line subway to Avenue U.

Extension of the New Lota Avenue line.

Purchase of about 500 high-speed, air-conditioned subway cars and expansion of yard and shop facilities.

**Rail lines**

Rehabilitation of the Staten Island Rapid Transit Railway from Tottenville to St. George.

Modernization of the Long Island Rail Road and construction of a spur to Kennedy Airport.

Modernization of New Haven and Penn-Central commuter service and the Manhattan portion of the Erie-Lackawanna Railroad.

**Subway-Ball**

Quick completion of the four-track East River tunnel from 63d Street to Long Island City for expanded transit and Long Island Rail Road service.

**Air**

Development of general aviation airports at Republic Airport and Zahn's Airport on Long Island, at Spring Valley in Rockland County and in Lincroft, Westchester.

**Transportation centers**

Air-rail-bus-auto-taxi facilities will be established at Republic Airport; Spring Valley, Pearl River and Orangeburg; and at Tarrens-town and the White Plains area.

**PHASE TWO**


**Subways**

Extension of the Second Avenue subway south from 34th Street to serve lower Manhattan.

Extensions of the new northeastern Queens subway and of rapid transit east of Jamaica; and removal of the EMT elevated in the Jamaica business district.

Replacement of the Third Avenue elevated line in the Bronx with a new line adjacent to the Penn-Central right-of-way along Park Avenue.

Extension of the Pelham Bay line and the Concourse subway in the Bronx.

Purchase of 500 more new subway cars and improvement in shops and yards.

**Rail lines**

Continued modernization and extension of the L.I.R.R., modernization of the Penn-Central.

Extension of L.I.R.R. Brooklyn service to lower Manhattan.

**Subway-rail**

A new railroad station at 140th Street in the Bronx, with interchange between Penn-Central and New Haven railroads and the subways.

**Air**

Additional general aviation airports on Long Island and in southwest Duchess County.

**Transportation centers**

At Hicksville, Pine Aire and Ronkonkoma on Long Island; Brewster in Putnam County; Beacon in Dutchess; New City and Suffern in Rockland; and Goshen in Orange.

**Other facilities**

A midtown distribution system along 57th, 48th, 42d and 33d Streets, using high-speed conveyors, small rail cars or other guided systems to link terminals, stores, offices, theatres and other travel points.

**Administration**

The Metropolitan Commuter Transportation Authority was created in 1965 by the State Legislature on the recommendation of Governor Rockefeller. Its purpose is the continuance, development and improvement of commuter transportation and related services in New York City, Dutchess, Orange, Putnam, Rockland, Westchester, Nassau and Suffolk counties. It consists of a chairman and four members appointed by the Governor with the advice and consent of the Senate.

**Approval**

Each of the projects must be approved and funded by local governments before authorization by the Legislature. In addition, funds have to be sought from the Federal government.

**EXECUTIVE SESSION**

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the nominations be considered on order.

**DISTRICT OF COLUMBIA COURT OF APPEALS**

The assistant legislative clerk read the nomination of Austin L. Fickling, of the District of Columbia, to be an associate judge for the District Court of Columbia Court of Appeals.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

**DISTRICT OF COLUMBIA COURT OF GENERAL SESSIONS**

The assistant legislative clerk proceeded to read sundry nominations to the District of Columbia Court of General Sessions.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the nominations be considered on order.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed.

**DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY**

The assistant legislative clerk read the nomination of Alfred P. Love to be a member of the District of Columbia Redevelopment Land Agency.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

**EXECUTIVE MESSAGE REFERRED**

The PRESIDING OFFICER laid before the Senate a message from the President of the United States submitting the nomination of Otto Kernan, of Illinois, to be U.S. Circuit Judge for the Seventh Circuit, which was referred to the Committee on the Judiciary.

**EXECUTIVE REPORTS OF A COMMITTEE**

The following favorable reports of nominations were submitted:

By Mr. MAGNUSON, from the Committee on Commerce:

Roscie C. Carroll, of California, Saul Haas, of Washington, Erich Leinsdorf, of Massachusetts, John D. Rockefeller III, of New York, and Frank E. Schooley, of Illinois, to be members of the Board of Directors of the Corporation for Public Broadcasting, for a term of 2 years;

John A. Beirne, of Maryland, Michael A. Gammino, of Rhode Island, Oveta Culp Hobby, of Texas, Joseph D. Hughes, of Pennsylvania, and Carl E. Schmidt, of Georgia, to be members of the Board of Directors of the Corporation for Public Broadcasting, for a term of 4 years; and

Frank Pace, Jr., of Connecticut, Robert S. Benjamin, of New York, Jack J. Valenti, of President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.
Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

The PRESIDING OFFICER. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENT WELCOMES C. R. SMITH AS SECRETARY OF COMMERCE

Mr. MAGNUSON. President Johnson, at White House ceremonies last week welcomed a valuable addition to his Cabinet—C. R. Smith, our new Secretary of Commerce.

Mr. Smith brings an abundance of experience to his new position—experience which will serve him well in the demanding task facing him. He was decorated during World War II as the wartime commander of air transportation over the Burma Hump. He has led one of America’s leading companies, distinguishing himself as a pioneer of flight, a leading industrialist, and a community-minded leader.

In the days ahead he faces enormous challenge. He must help stimulate our economy to greater heights, maintain our unprecedented prosperity, continue the excellent relations between our Government and the business community, and encourage American business to invest in America’s future by finding jobs for the jobless.

President Johnson told Secretary Smith:

If you would move America forward, I think you must first move its private citizens forward—and among them is the American businessman.

No one is better qualified to keep the American economy and its people moving ever forward then C. R. Smith. The Nation is already indebted to him for giving up his position in private industry to serve the public. I am certain that in the days and months ahead, America will have even greater reason to be grateful to C. R. Smith as he distinguishes himself as a great Secretary of Commerce.

I ask unanimous consent to have printed in the Record the President’s remarks at the swearing-in ceremony for C. R. Smith, as follows:

REMARKS OF THE PRESIDENT AT THE SWARING-IN CEREMONY FOR C. R. SMITH AS SECRETARY OF COMMERCE, MARCH 5, 1968

Mr. Smith and family, Justice Forbras, Members of the Cabinet, distinguished Members of the Congress, ladies and gentlemen:

This ceremony could well be the opening scene in my favorite TV Show dramas: “Mr. Smith Goes to Washington.”

As I recall, the hero of that movie caused quite a stir in the nation’s capital. Now, Mr. Smith, you have come back to Washington. We all recall pleasantly your words to us when you were welcomed here during World War II. You were decorated then as an organizer of war-time air transport—and for solving the problem of flying The Hump.

The script, C. R., really hasn’t changed very much. You will find—as Dean Rusk and I already know—that there are still plenty of humps to get over, Some of them are over here. Since you were here last time, we have added a few gaps.

We all know, though, that you are well equipped. We hope that American Airlines has let you bring along one of your most valuable assets—a typewriter that has long set by your desk, a machine that you hunt and peck out personal directives that you need when you want them.

You are going to need that typewriter, C. R. Your new employees—the people of the United States—are going to be asking for action. Some of them want it fast. The businessman, the working man, the family man—all of these are your new Board of Directors. Your new business is the most urgent business of America—Congress will be reminding you of that from time to time—that is, the people’s welfare.

You might, Mr. Smith, by putting that typewriter to work on a letter to Mr. Henry Ford and your friend, Mr. Paul Austin, one of the 750 leaders and members of the National Alliance of Businessmen. You can thank them for rolling up their sleeves, leaving their business—as you have left yours—and taking on a leadership responsibility in helping us to tackle one of the toughest problems—the blights in our cities, the unemployment in our cities, the hard-core jobless that have been unable to fit into our system.

These men are some of our best American businessmen; they care about tomorrow. They are taking the very unusual step, I think, of not only their welfare and their faith to earn the ultimate profit—not something that will show on their balance sheets this year, but will be a rich and full dividend for all America.

If you would move America forward, I think you must first move its private citizens forward—and chief among them is the American businessman.

Never—except possibly during World War II—have I seen such an effective exercise of business responsibility as I see in this bill now. The promise for America is immense.

Mr. Ford, Mr. Austin, and others came across the land to see me last week and told me of their plans—and the fact that various companies are assigning their best people to go out into the ghettos and the cities of America and demonstrate the social consciousness of the leaders of the free enterprise system.

In these last few months, these giant corporations and all companies have freed their minds of the concerns—the economic muscle of America—are indicating that they are going to try to do this.

I met with the bankers a few weeks ago; I met with the insurance companies a few weeks ago. I met with the savings and loan institutions from throughout the country this morning. All of them are developing programs to help us try to remake and rebuild these deteriorated areas of our land.

This remaking is going to demand the best of all of us—the best of business and Government. I think you are going to be the connecting link in that partnership.

If an American person will be the beneficiaries. So, they are going to look to you, C. R., as a leader who pioneered again in the adventure of flight.

I think most of America—I know the Cabinet, certainly, the leaders in Congress who are sitting here today. I think most of America—I know the Cabinet, certainly, the leaders in Congress who are sitting here today. I think most of America—I know the Cabinet, certainly, the leaders in Congress who are sitting here today.

Mr. President, in his conservation message Friday, steps to combat the menace of oil spills, I was pleased to note his endorsement of the major oil provisions of S. 2790, the bill approved by the Senate.

The President’s proposal to broaden the scope of this legislation by making oil discharges unlawful if they occur within 12 miles from shore is deserving of the full support of the Senate.

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I support the general purposes of the program outlined by the President.

THE PRESIDENT’S CONSERVATION MESSAGE

Mr. SPONG. Mr. President, along our 90,000 miles of coastline there pass each year tankers carrying a billion barrels of oil. If the shipping standards do not adequately protect our beaches should an oil spill occur, and in response to the problem the Senate approved legislation last year to strengthen the existing law.

I was privileged to be among the sponsors of that bill. An omnibus measure which also deals with lake pollution and acid mine drainage. The section dealing with oil pollution would make it unlawful for anyone to discharge oil, regardless of fault, on navigable inland waters and on our territorial waters. Those polluting the water would be responsible for cleaning it up.

The President is to be commended for recommending, in his conservation message on Friday, steps to combat the menace of oil spills. I was pleased to note his endorsement of the major oil provisions of S. 2790, the bill approved by the Senate.

Mr. MOSS. Mr. President, in his conservation message Friday, President Johnson once again has issued a strong appeal for protecting our Nation’s remaining natural splendor.

Many legislative conflicts must be resolved in the coming weeks and months over the best ways and means to accomplish this broad objective—with which I heartily agree.

For now, I would like to take one brief moment to underscore the importance of the land and water conservation fund in realizing this mutual dream to assure a beautiful America.

We can authorize new national parks and wilderness areas. We can vote to
preserve our wild and scenic rivers, and we can authorize a network of national trails. We can put all this, and even more, on the record of our intent.

But, in the long run, these will be empty gestures unless we provide the funds to make our intentions real. In the past 3 years the land and water conservation fund has proved its efficacy as a means to provide moneys to meet both Federal and State outdoor recreation needs. We all are aware of the increasing demands being made upon the fund, and the inadequacy of its revenues to meet critical current, much less future, needs.

As the President pointed out, we must expand the land and water conservation fund before it is too late.

The way has been opened with a bill sponsored by Chairman Jackson—S. 1401—and a bill—H.R. 531—which I co-sponsored with the senior Senator from California [Mr. Kuchel], which would add significant revenues to the fund each year for the next 5 years from Outer Continental Shelf receipts.

It seems appropriate that some of our still unmined riches from under the sea should be used to preserve our threatened natural heritage. I therefore urge each Member of the Senate to support S. 1401.

PARTNERSHIP WITH THE INDIANS

Mr. RANSEY. Mr. President, last week I spoke out about our policies toward the American Indian, a healthy reappraisal, a fresh look at new ideas, is now underway at all levels. In this spirit, Mr. Joseph G. Colmen, Deputy Assistant Secretary of Health, Education, and Welfare, addressed the Governors' Interstate Indian Council at Reno, Nev., last October.

In his thoughtful address, Mr. Colmen made two points in particular which I wish to call to my colleagues' attention:

First, let partnership between the Indians and all levels of government be of help, not of hindrance. This means that Indians must take part in decision-making, not simply advise Federal decision-makers, Indians must be given an opportunity to make their own mistakes, to gain experience, and to show responsibility, with cooperation—but not patronage—from Federal officials.

Second, Mr. Colmen pointed up the very real place which our States have in dealing with the problems of their individual Indians. This is nowhere truer than in the field of public education. Various Federal agencies, the States, and the Indians must all work together.

In this view, we may well be called upon to provide new legislative tools.

I ask unanimous consent that Mr. Colmen's incisive remarks, published in the Indian Record of February 1968, be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

EDUCATION LEADER CALLS FOR PARTNERSHIP

To Mr. President:

(EDITOR'S NOTE—The following is a condensation of a speech made by Joseph G. Colmen, Deputy Assistant Secretary for Education—Department of Health, Education, and Welfare, at the Governors' Interstate Indian Council meeting at Reno, Nev., October 18, 1967.)

Today in 1967, for the Indians, the time never looked better. First, the country has been for some years aware that many of our society have been passed by in the race for affluence. Brought forcefully to the forefront by the militant Negro civil rights movement, persons in decision-making positions are becoming concerned about all forgotten groups, including Mexican Americans and Indians. They want to do something now.

Second, President Johnson has directed the Federal Government back to point their resources to a far greater degree than they have in the past to helping to improve the quality of life for American Indians. Historically preoccupied with natural resources and land, is turning much greater emphasis to a "people-oriented" mission. Secretary Udall is committed to the goal of equalizing opportunity and choice for the Indian people. In Commissioner Bennett, there is a leader who, Indian himself, is devoted with understanding and compassion to seeing his people enjoy the fruits of our great country. Our Foundation is everywhere being plumbed to find mechanisms and programs by which its vast services and resources can be delivered to Indian people.

All of these things augur well for the Indians. The time does seem ripe. But I would like to express my hope that we can continue to be a restraining influence on progress. It is something that can be changed, if it needs to be changed, and I think that that can be changed without much money. I refer to what is called, a year of immersion in Indian matters, a sorry lack of communications between Indians and the rest of us.

By lack of communication, I don't mean a lack of talk. In some ways, there is an overload of communication. But when we talk to Indians, I fear, though, that in all the talking that goes on, very little listening really happens. And when we do try, really try, to listen to each other, our ears are open, but our minds are closed. The message somehow gets garbled in the transmission. It gets mixed with haunting fears, attitudes, and even more, of policy matters that are rolled into the package-

Let me give just one example. We persist in educating Indian children to learn the white man's ways, to the exclusion of his own rich heritage, in spite of another generation that says that this is a "failure to reflect the bicultural education that will give the child a sense of cultural pride, as well as the knowledge he will need to make it in the other society, if he opts for that alternative."

We persist in making decisions on a wide range of policy matters that intimately affect the Indian people without their true full participation, in spite of the Indian's natural, expected resentment of that process, frequently articulated by them. We do too much, not much, with them.

On the other hand, attempts to be of help, sincere or not, are reacted to by Indians with distrust and suspicion often without serious even, extending of the opportunity to the extent that the real, existing Indian needs become secondary issues.

Somehow, we ask in long range goals the state of affairs of which Indians want for themselves 5, 10 or 20 years hence, Indians respond with the old fear that their unique relationship with the Government will be abrogated: better leave things pretty much as they are.

I think we need to get the termination issue out in the open. Let us declare that the Federal Government supports the views of the Governors Interstate Indian Council on this matter. Then let's get to work on the real problems.

I submit that in a continued atmosphere of barbed wire, with real or fancied rationales, though there may be genuine desire to improve conditions on both sides, little of real value will come. Real trust and confidence, and with it two-way participating communication between equals in a partnership for action. To accomplish this, the Federal Government must provide mechanisms not just for Indian involvement or even Indian participation in decisions, but for making it itself. The Federal Government must be willing to let Indians make their own decisions, with cooperation—but not patronage—from local officials, until the opportunity is given, not sit back, not complain, but work. The power to be constructive can bring far greater rewards than the power exercised so often today; the power of stopping action by being negative.

In some ways, the State relationship to the Federal Government has for a long time mirrored the Indian relationship to the Federal Government. "Let big daddy solve the problem," is the cry of those Indians who now must join in to do the job, so must the States and localities enter the partnership.

So Incidentally must all the great institutions of our country—business, labor, non-profit organizations. In the case of Indians, it is easy for States to say that Indians do their own taxes, they do not have to take the Government's wards. In fact, Indians are citizens with the right to vote, and their welfare affects all of us.

Furthermore, let us remember well that there are almost as many Indians residing off of reservations as are residing on them. Who can say that they are not characterized by the fact that this country in our cities and rural areas? Somehow services intended by States and the Federal Government for Indians off reservations don't seem to get to them. There is no intent on our part to point fingers of blame. We do say that unless there are people with a spark and a sense of commitment to a particular task or our population would really be overlooked in the eagerness directed at the larger group, or in some cases the noisy group.

I believe that this country is moving toward a time when it may be impossible for Indians to share more fully in the benefits of a technologically based society, while still maintaining their cultural identity. To the extent that the affluence places realistic means at our disposal, enabling us to think of human resources in terms of potential for humanism, human resource development should be to achieve nothing less than what Thomas Wolfe called the "hope and promise of America," that every child, every Indian child has in his manhood to let him become. Togetherness—Federal Government, States, Indians—must attack one of the problems which Indians face, wherever Indians live—in rural areas, on reservations, in
urban centers. We must mobilize all the resources at our command to free Indian people, to give them good and useful choices, to release their utmost potential for growth.

The question remains: how can we encourage the kind of partnership which will enable Indians to participate with the support of the non-Indian community in the complex development process.

The road will not be easy. The dangers are many. But the promise is great. Let us together, Federal and State, tribally and individually, strive desperately to hard the Indian people deduct ourselves nothing less than the goal of full opportunity for all Indians, wherever they choose to find it.

I PLEDGE ALLEGIANCE

Mr. BYRD of West Virginia. Mr. President, recently I was privileged to speak before the Women's Forum on National Security, which met in Washington, D.C. I ask unanimous consent that the text of my speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

SPEECH BY HON. ROBERT C. BYRD, TO THE WOMEN'S FORUM ON NATIONAL SECURITY ON FEBRUARY 20, 1968

Delegates to the Women's Forum on National Security:

Let me say that you have paid me a special honor by inviting me to participate in your program, and I appreciate it.

I am privileged to have this opportunity to address you on the subject that you have chosen for examination at this forum—the issue that day by day grows worse in our country. There is no domestic problem of greater consequence, or one more fraught with peril for the future of our Nation.

I first wish to make reference to the proposed Desecration of the Flag Law that is now before the Congress. This legislation would make it a federal offense to burn the American flag or desecrate it, and would establish penalties for anyone who does so. It has been presented by the House of Representatives, and I hope that before many more weeks have passed, the measure will have had a dispassionate review.

As I am sure you know, there are those who oppose this bill, contending that such a federal law is not needed. These opponents say that the measures already have laws dealing with desecration of the flag, and some of the opponents further contend that the right of dissent, about which we hear so much these days, is somehow involved—that the destruction of the flag might somehow be construed as "symbolic free speech," and that the same provision thereof might violate the First Amendment.

I, of course, do not agree. The state laws presently in effect, disapprove and discourage the destruction of the flag have simply not been effective deterrents to those who would dishonor our national emblem, and for violating the free speech guarantees, I find that to be a very specious argument in view of the numerous channels open to all American citizens for expressing honest, honorable, and legitimate dissent.

The many incidents of flag desecration that have occurred in the last few years have been widespread, and are well-demonstrated, in my opinion, the need for such a law.

I was impressed when I read that the theme of this annual meeting is "I Pledge Allegiance."

Allegiance is a meaningful word. It evokes the thought of courage, faithfulness, fealty, loyalty, obedience, hom­age. These words, and the ideas and images they bring to our minds, stir some of our deepest emotions.

Our Nation's government is the obligation of fidelity and obedience that an individual owes to his government in return for the protection he receives from the government. Allegiance is the need for faithfulness, fealty, loyalty, obedience, demonstrated, in my opinion, the need for such a law.

Fourth of July parades and public displays of patriotism seem to be going out of style. Many people apparently think those things are old-fashioned. Americans should not be too sophisticated or too internationally-oriented to wave the flag, they seem to be saying.

I believe that when the citizens of any Nation get to the point where they think they are too sophisticated to be patriotic, then they are in danger of losing their liberty.

Tolerating flag desecrators and flag burners is not a sign of sophistication or national maturity, in my judgment, but a sign of national deterioration.

It saddens me to say it, but I believe that the people of America have become hypertolerant and too permissive, not only in the matter of displaying pride in our flag and pride in our nation, but in many other areas of our national life as well.

In recent years we have witnessed a serious deterioration in moral standards. The whole structure of our national life has been weakened by the breakdown in family life and the increasing urbanization.

The soaring rate of welfare dependency, juvenile involvement in crime, and illegitimacy, indicates to me something very basic has gone wrong.

In any examination of the wave of lawlessness that grips our country—and desecration of the flag is only one of its many ugly manifestations—it quickly becomes apparent that there are a number of root causes that are easy and profitable for us to consider them for a moment.

Basically, the root causes of crime are bound up in the turbulent era of change in which we live. We have witnessed the deterioration in family life that has arisen in large measure, from the increasing mobility of our population and its shift from a rural-based society to an urbanized society.

The distractions, the pressures of present-day living, the demands on the time of most people are so great that the warmly-intimate family circle, in which the precepts and character of the Nation were nurtured and moulded, has all but disappeared.

The hallowed role played by religion has declined in the lives of all too many of America's citizens. Two factors have been the age, and the number of secular interests and diversions that serve to keep people away from the stabilizing influence of the church.

The flag desecrators fall in this category, and they seem to be saying.

"I, of course, do not agree. The state laws already have laws dealing with desecration of the flag, and some of the opponents further contend that the right of dissent, about which we hear so much these days, is somehow involved—that the destruction of the flag might somehow be construed as "symbolic free speech," and that the same provision thereof might violate the First Amendment."

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Generally, the root causes of crime are bound up in the turbulent era of change in which we live. We have witnessed the deterioration in family life that has arisen in large measure, from the increasing mobility of our population and its shift from a rural-based society to an urbanized society.

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I do not stand in the way of constructive change. But evolution achieves so much less than revolution. Revolution is the process of tearing down; evolution is the process of building up. Indeed, those who inveigh that it does not mean for it to be. And so, I am convinced, we must meet them on the ground they have chosen. It makes little sense to talk of model cities, programs, or better schools, or more jobs to a young hoodlum who faces with a brick, a one hand and a knife or a gun in the other.

I have supported many programs for the advancement and the betterment of the disadvantaged, especially in the field of education, and I shall continue to support every effort, government or private, that I think will prove beneficial to the citizens and bring about a better society. But it does not make much sense to start remodeling the upstairs when the basement is overflown.

Perhaps my language is too forthright. But, my friends, in my judgment the situation that has developed in this country in the past year demands forthright language and firm action to match. I think that government and citizens alike have temporized too long. I think we have been complacent, too inclined to make excuses for the criminal, too willing to blame society for the criminal's misdeeds, too inclined to let things slide, until the situation has gotten completely out of hand unless strong measures are undertaken and undertaken soon.

I think that basically what America needs more than anything else—more than new laws, more than new "programs"—is a re dedication to the precepts and principles that made it a great Nation.

Our need can be summed up in one word, the key word in the theme of this meeting—allegiance.

We need a revived allegiance to law and order; a new allegiance to the concept that punishment is more effective than rehabilitation; a new allegiance to the precept of justice for all—the majority as well as the minority.

We need a re-kindled allegiance to our homes, and a restored allegiance to our churches and to our God.

We need, in short, a renewed allegiance to our Nation and to all that is symbolic of America.

I believe that groups such as yours can have a very great influence in helping to bring about a renaissance of virtue and the betterment of a nation that is so badly needed, to the time-tested virtues and old-fashioned ideals upon which this Nation was founded.

I refer to the over 200 million American voices saying in unison, "I pledge allegiance to the flag of the United States of America and to the Republic and to all of the Ideals for which it stands..."

There is nothing immature or base in love of country. There is nothing naive of irreverence or unthinking in calling for a re dedication to fundamental principles and practices that have proved their greatness in the building of the American Republic.

The moment I believe—and I am sure that you must believe—that wherever our institutions have become weakened we must make a strong stand through a re dedication of our allegiance toward our flag, our God, and our country.

NEW SOCIAL WELFARE PROGRAMS FOR MINNESOTA

Mr. MONDALE. Mr. President, there is a deep tradition of innovation in the State of Minnesota. Our programs in the fields of education, social welfare, consumer protection, and conservation at test are experimental and pioneering.

Now this same feeling of innovation has spread to the communities throughout the State. New ideas and new programs aimed at solving the urban crisis are emerging from Minnesota.

These ideas are not limited to the large cities but are common throughout the State. As an example, St. Cloud, St. Paul, Brainerd, Le Sueur are attempting to find solutions to their urban ills. This is true whether it is a town of 5,000 or a city of 50,000.

Minnesota has two model cities, a pilot neighborhood renewal program in the Twin Cities which may serve as the model for other metropolitan areas, a special program funded by the Ford Foundation to examine the problems of the smaller city. The Minnesota Municipalities are unorganized for political action in the legislature and devoid of anything but the most skelton picture of their collective condition.

The reason for all this activity is that the leadership in each city is concerned about the future of its community and has committed itself to immediate action. Meaningful solutions are emerging, and the result will be an overall improvement to the quality of urban environment.

Mr. President, this month's issue of the Minnesota Municipalities discusses some of these innovative ideas: the model city applications from Minneapolis and Duluth; the Metropolitan Council of the Twin Cities; and the small town study by the university. Under the direction of Political Science Prof. Ed Henry, of St. John's University who is also the mayor of St. Cloud.

Mr. President, I ask unanimous consent that St. John's Establishes Small City Study Center.

Social science research in recent years has recognized the agonizing plight of the large metropolitan area. Inadequate, obsolete, and private foundations have poured funds into macro-city in an attempt to delineate the problems and seek acceptable solutions. In few cases have micro-cities taken on a major role in finding solutions to the problems.

The problems of the smaller urban center—micro-city, have scarcely been scratched. However, and its potential in the federal system has generally been ignored. For instance, have we underestimated the role of the smaller city in skimming off a large part of the population boom that we have somewhat uncritically assumed must flow to macro-city and environs? Are there steps that must be taken now to make such micro-cities livable for the present and for future citizens, attractive models for decentralization programs, or for residential and commercial expansion? There may be additional ones different in kind affecting the outstate cities.

In Minnesota the 1967 Legislature moved on a few of these problems, but the largest were for overwhelming those of metropolis, not micro-city. Since annexation laws were not amended, hundreds of thousands of acres of the State will be torn asunder, small towns and cities will be reassessing the boundaries. Small towns and cities will be losing home rule and tax districts.

In March, 1967 the Minnesota Municipalities, a particularly distressing problem for the outstate micro-city. Such townships possess an accumulation of power and wealth, were overwhelmingly metropolis, and became a burden to the State. Small towns and cities were created as sub-units of the county to care for minimum needs of residents.

These "half governments" are now absorbing the over-flow across city boundaries but are not equipped temperamentally, historically, or legally to provide services.

In addition to involving micro-city in confusion in competitive undertakings, they exert downward pressure on municipal service standards such as health, zoning, and a deep tradition of innovation in the State. New ideas and new programs were overwhelmingly those of metropolis, and its potential in the federal system has generally been ignored.

One legislative action in Minnesota. The Legislature provided for compulsory annexation laws were not amended, hundreds of thousands of acres of the State will be torn asunder, small towns and cities will be reassessing the boundaries. Small towns and cities will be losing home rule.

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municipal boundary lines, while not increasing the number of licenses micro-cities might issue, do inadvertently put another block in the way of urban consolidation, and the effort of micro-city to maintain economically the health of its downtown will meet with increasing difficulty as the cities issue their quotas, new restaurants, motels or hotels on the fringe of micro-city will stand to lose their cocktail lounges if they annual.

In a tax reform package, the 1967 Legislature provided a grant-in-aid to micro-city of $300 per capita for need-use. The micro-city will, likewise $5 per capita to all townships. This wipes out township taxes in many jurisdictions, but it aggravates the tax differential for business location. In legislating local government aid in this form, the higher operating costs per capita of municipalities were overlooked and the long-established principle of grants on a "needs" basis that characterizes educational assistance in Minnesota was not applied to local governments.

In the field of health and sanitation inspection, the Legislature set a precedent for state operations in statewide dairy and bakery operations by compelling municipalities not to exceed state standards which are set, not by the local health authorities but by the State Agriculture Department which is basically responsible for protecting farmers’ markets rather than city dwellers’ health.

In 1967, Minnesota received a grant of $11,400 for community development in micro-cities which contain institutions that serve an area much broader than the municipality, but which experience, in a larger sense of municipal only rather than all of the benefited clientele. For example, 6.4 of St. Cloud's 105 square miles of area are taken up by St. Cloud State College, a state reformatory, a large consolidated public school, and a federal veterans’ hospital. Any increase in the per capita cost of micro-city will have to be placed in the socioeconomic context of its part of the state. The Center will not hesitate to utilize and even partially finance other research that bears on its own mission—micro-city.

The fruits of this project, hopefully, will include the following:

1. A functioning and continuing Center dedicated to the study of the much neglected outstate local governments and acting as a clearing house and idea center on their problems. To date each type of local government is represented by an association of some sort. There is no one association or center that can rise above the vested interests of each. This type of Center could well develop experience as a pilot project for the country. The college-community relations program under Title I of the National Education Act presages ultimate use of federal funds for programs of this sort. It would improve the national climate and one that deserves attention.

If we add to these difficulties the fact that most elected municipal officials in Minnesota (all part time) are unaware of the problems that are facing their towns, the prospects for micro-city are poor. The first and fundamental requisite for remedial action is recognition of this problem. This recognition is occurring in micro-city; it is still very murky in micro-city.

THE ST. JOHN CENTER

St. John's University, Collegeville, Minnesota, has received a start-up grant of $1,000 from the Local Government to be located on its campus adjoining St. Cloud, a classical micro-city. A Ford Foundation grant of $182,000 will support a thirty-month kick-off project on the role of micro-city in the federal system. Once established, the Center will continue to conduct the study of other local governmental problems.

The initial project of the Center for the State and Local Government is the study of micro-city as part of the federal complex.

1. The Center will act as a catalytic agent in stimulating research on micro-city by funding research on micro-city. This will be accomplished through conferences on small city problems to which outstanding state and local officials and university researchers would be invited. Some $12,000 or more will be added to this phase of the program as a supplementation. St. John's Educational FM stereo radio station, the eleventh most powerful educational station in the country, will be utilized as the central base from which the conferences will be conducted by the four adjoining states of the two Dakotas, Wisconsin and Iowa, will be utilized to disseminate information generated by the conferences.

2. Spot conferences will be held in key local areas in the State of Minnesota both to turn over to the cities local outstate problems and to utilize its resources for the study of other local governmental problems. Such conferences would be held in micro-city, Duluth, Minneapolis and St. Cloud and elsewhere. It is still very murky whether such conferences will be held in four micro-cities that are similar to the earlier Middletown conferences. It is possible that study in depth of one of these micro-cities which contain institutions that serve the state and region will result in useful experience as a pilot project for the country.

3. Research will be conducted under the direction of the Center on about a dozen Minnesota cities that have a population of 50,000. It will provide a format of experience for other states which might wish advice and help in stimulating interest in their own micro-cities.

Undoubtedly, as the Center digs into the murky subject of micro-city, new avenues of exploration and new areas of intergovernmental relevance will be opened and flexibly maintained. But it is a subject with many practical policy implications at each level of the federal system and one this Congress will examine.

Since this proposal was introduced, the Secretary of Agriculture and six departments of the Cabinet sponsored a nationwide study of micro-cities, the effect of reversing the population drift to micro-city. This implies strengthening local villages and cities and effecting close cooperation between area development and the smaller mother cities which serve the areas. In the 1960's St. John's University was noted for its leadership in this area of attention.

Through this proposal it would seek to pick up the veil of thought dropped when World War II intervened and use its technique of local control of individual philosophy with empirical research in order to determine the feasibility of decentralization as a practical public policy alternative for the rest of this century.
The Minneapolis Model Neighborhood—component of the city-wide system for development

The “model neighborhood is a new way of looking at, thinking of, talking about, and doing things in the south side of Minneapolis. It is a way of organizing the planning and production of buildings, streets, and services. The focus of planning under the $215,000 federal grant will be on translating the comprehensive city-wide goals already established by Minneapolis “Decision ‘67” program into specific policies and programs based upon the unique needs and conditions of the model neighborhood and the support of its residents. In the context of the major city-wide goals, Model Neighborhood objectives are expected to include the following:

1. Attainment of a population structure balanced as to age, income, and social characteristics.
2. Provision of greater opportunity to secure desired housing and environment.
4. Provision of convenient and safe access to all desired activities.
5. Development of the major productive resource of the Neighborhood—its people's trained minds and creative capacities.
6. Promotion of industrial and central business districts to assist in providing investment and job opportunities through neighborhood changes.
7. Development of increased vitality in the Neighborhood's commercial areas.

Maximizing of transportation benefits lying immediately south of the central business district. The model area contains 1600 acres and a population of about 60,000 people, the highest concentration of any Minneapolis area and four times the city's average population density. Two-thirds residential in character, its commercial development includes regional community and local shopping centers, Neighborhood convenience centers and commercial strips. A strip of relatively small industries is intersected with adjacent residential and commercial uses. This area contains a heavy concentration of blighted and obsolete structures, along with large numbers of low income families and major institutions. A large number of lower income families with serious cultural disadvantages lives here, as well as the segregation of elderly residents. The only section of the city abutting the central district in which no substantial physical or social improvement programs have heretofore been initiated, its selection as the Model Neighborhood will mobilize governmental and private resources to meet its critical needs.

Citizens, agencies, and local groups, long concerned about their neighborhood problems, will now be enabled to come together as a community to solve them.

The Council is composed of 14 members, each appointed from a separate metropolitan district, plus a chairman appointed at large. Each metropolitan district consists of approximately two senatorial districts. The Governor appoints the members of the Council subject to confirmation by the Senate.

The Governor appoints the members of the Council subject to confirmation by the Senate.

The Metropolitan Council (By James L. Heland, Jr.)

The concentration of a great number of people in the Twin Cities metropolitan area creates problems that cannot be resolved on a single municipal or county basis. Problems which transcend the boundaries of local government agencies require a regional or metropolitan solution. On August 9, 1967, the Minnesota State Legislature recognized the need for a state-level governmental agency, the Metropolitan Council, to consider and implement orderly and coordinated solutions to areawide urban problems. Neighboring local governmental units, voluntarily or by mandate, the Council is a general service agency designed to coordinate all metropolitan activity in a way which will reflect the region's overall structure. More than a voluntary council of local governmental officials and less than a formal governmental unit, the Council was designated as an areawide agency to serve the citizens of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties. These seven counties represent an urban complex of approximately two million people which in the next 35 years will grow to over four million. At the present time the Metropolitan Council serves 28 cities, 165 villages, 68 townships, 77 school districts, 20 special service districts, and seven metropolitan parks as aresult of 300 separate government units.

In some metropolitan areas of the United States, organizations composed of representatives from local governmental units have been created. In the metropolitan area the task of the Metropolitan Council organization is derived from the exercise of local powers by joint agreement of the elected officials. In other areas of the United States and Canada a new form of metropolitan government structure has been created, superior to the counties and municipalities involved, to manage and exercising many of the traditional local governmental powers. In Minnesota we have created a new agency, designed to coordinate the operations of our local units of government and of our existing single-purpose metropolitan districts where such local plans or metropolitan agency plans affect the over-all development of the area.

The Metropolitan Council is given taxing power to over four million people which in the next 35 years will grow to over four million. At the present time the Metropolitan Council serves 28 cities, 165 villages, 68 townships, 77 school districts, 20 special service districts, and seven metropolitan parks as aresult of 300 separate government units.
authority within the seven-county area. It succeeds to all the powers and rights of the former Metropolitan Planning Commission, and has the power and duty to adopt its own budget and work program and to disperse its own funds.

The legislature imposed upon the Council certain specific duties and granted to the Council certain specific powers. The Council has the right to review all long-term comprehensive plans of independent communities, board or agency within the metropolitan area where such plans are determined to have an area-wide, direct or indirect, impact upon the metropolitan area as a whole, and to determine whether such plans are consistent with the comprehensive plan for the metropolitan area, and its orderly and economical development. In effect, the Council is granted of variances, larger, the long-range planning of the independent metropolitan agencies subject only to a provision for appeal to the next legislative session.

The Council has power of review over applications of all local governmental units including municipalities for loan or grant funds from the United States government, and, in addition, to exercise its power to appeal to the next legislative session.

The Council is more than a metropolitan planning agency, yet less than a new governmental agency. As a practical matter, a negative comment by the Metropolitan Council will likely have a conclusive adverse effect upon the grant application. A favorable or an affirmative response is likely to be a substantial assistance to the local community in obtaining federal assistance.

In addition, the Council is granted the right to stop for a 60-day period any local village, city or town plan which will have a substantial impact upon the metropolitan development. During this time, public hearings will be held to permit contiguous local units of government to be heard regarding the impact of the proposed development upon their community. The Council is to mediate and resolve the differences between communities if possible.

Then lastly, and perhaps most importantly, the Council is specifically directed to prepare and adopt after study and public hearings a comprehensive plan for the metropolitan area. The Guide is to be a practical matter, a negative comment by the Metropolitan Council will likely have a conclusive adverse effect upon the grant application. A favorable or an affirmative response is likely to be a substantial assistance to the local community in obtaining federal assistance.

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not only its solution, but a recommendation as to the governmental organization or governmental structure best suited to discharge the responsibility under the recommendations made.

This recital of the duties imposed upon the Council does not do justice to the Council. This does not mean that the Development Council is more than a metropolitan planning agency, yet less than a new governmental agency. The question is: is the Council likely to do with the powers given to it? As a result of an extensive study, the Council has adopted a 1968 work plan, which indicates that the Council will spend approximately $1,000,000. Included are all of the major areas of study requested by the state legislature. Not capable of resolving all the problems of urban development, the Council has selected six specific areas, each important to over-all development in our metropolitan area, where it will undertake to complete its study and make recommendations prior to the next legislative session.

The first emphasis is on parks and open space, including the development of a metropolitan zoo. In a metropolitan area three factors, more than anything else, control ultimate development: highways and mass transit, utilities and open space areas. If these, parks and open space areas will be the first to disappear as population continues to crowd out our suburbs. A plan for immediate acquisition of parks and open space is therefore a compelling necessity. The application of federal money for increasing these parks and open space program and a much needed esthetic facility for our citizens.

Sanitary sewers are our second area of concern. Everyone in the seven-county area has recognized for at least six years that something must be done to coordinate new sewer lines and existing facilities. Metropolitan Council has power of review over all point of view. Local concern regarding any proposed projects for the regional service district known as the Metropolitan Transit Commission, and as a matter of course.

The Guide does not contain certain definitive conclusions that could and often will be mapped, but rather that it will be concerned with the factors which have the greatest impact upon physical, social and economic development. If polities for action by various levels of government. It is a statement of policies, goals and programs. It becomes a "how to do it" Guide that will provide a framework within which indicates where development will take place.

What is the Metropolitan Development Guide? Essentially it is a plan for the physical development of the seven-county area as it occurs. It is a statement of policies for action by various levels of government. It is a statement of policies, goals and programs. It becomes a "how to do it" Guide that will provide a framework within which indicates where development will take place.

The Metropolitan Council is fortunate in having available to it a tentative Metropolitan Development Guide created after four years of concentrated study and action by the former Metropolitan Planning Commission. The Guide is a practical plan based on the planning departments of the cities of St. Paul and Minneapolis and the county engineers from the seven counties. In developing the Guide, all economic, physical and social factors of development were considered and the physical and economical consequences of each were studied through community studies of concentrated study and action. A constellation city pattern is the form of development as set forth in the Development Guide was determined after a physical survey of the residents of the area and a questionnaire survey based upon discussion and seminar study by locally elected officials.

A constellation city pattern is the form finally determined in the tentative Guide. This means that the Minneapolis and St. Paul downtown areas would be preserved as major commercial areas with each downtown area growing half again as large as it is today. The Minneapolis downtown would become central business districts and suburbs, with each downtown area growing half again as large as it is today. The Minneapolis downtown would become a business center, with the development of major commercial areas. The Guide will flow at a very marginal rate of speed or will be making in the course of the next 30 years. The Development Guide will be the subject of public discussion and decision within the next six to nine months. Finance of each will be made within the development of the seven-county area. It cannot work. On the other hand, it is clear that if we are to have an orderly development of our area to permit our citizens to live under the most favorable circumstances and conditions, we must have a plan. This is our dilemma and our challenge.

The last and perhaps the most important matter that the Council will resolve before the March 30, 1968, is the Metropolitan Development Guide of overlooking importance to every decision that all of us will be making in the course of the next 30 years. The Guide will be the subject of public discussion and decision within the next six to nine months. Finance of each must be made within the development of the seven-county area. It cannot work. On the other hand, it is clear that if we are to have an orderly development of our area to permit our citizens to live under the most favorable circumstances and conditions, we must have a plan. This is our dilemma and our challenge.

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tem would be created based upon the radial routes and supplemented by local buses.

The first question that members of our committee must answer is whether or not they agree with the principles set forth in the Guilde. Do they desire retention of large downtown areas as civic centers and the creation of constellation commercial areas? If this question is answered in the affirmative, the next question is then, what types of development control will be needed? The question must be answered in the affirmative, and leaves no doubt as to the need for such controls. Not all new communities will be blessed with the location of a major commercial area. How will we compensate those communities for a potential loss of tax base? Many forms of development control are possible, but the control that has been proposed must be compatible with the desires of our citizens and our private economic system.

By way of example only, will it be best to permit a metropolitan agency to have total ownership of all development rights in the undeveloped areas of our seven-county metropolitan area? Would it be desirable to permit a metropolitan agency to have zoning controls over the location of commercial areas, major transportation routes and open spaces? Would it be desirable to provide for a metropolitan agency in effect to own all industrial and commercial development areas?

Would it be sufficient to provide that no industrial or commercial development take place until a plan for the development of the developed areas and developed transportation routes has been completed and zoning regulations and necessary utilities, with the metropolitan agency then controlling the timing and the location of new highways and utilities?

One thing is clear, if we are to develop a Guide and follow the Guide for orderly development purposes, some form of development control will be needed. The question that must be answered is the form and method of exercising this control. This question must be answered by the citizens of our community.

BRITISH LEADER DEFENDS U.S. ROLE IN VIETNAM

Mr. McGEE. Mr. President, in the dark days of 1940, when Great Britain stood nearly alone against the forces of aggression, it was people in this country who shouldered the burden for the free world even when many other nations were unaware or uncomprehending of the dimensions of the challenge and the effort.

Today, as in 1940, our allies and other free nations join together to meet the present challenge of aggression in Vietnam, the judgment and perspective of Mr. Anthony Barber, the chairman of the Conservative Party of Great Britain, illuminates, in very few words, the crucial effort of the world in South Vietnam.

Mr. Barber spoke at a meeting of the American Chamber of Commerce in London and dealt directly with the issue of Vietnam and the critics of our Vietnam commitment.

He is frank. He speaks candidly from experience. He goes to the heart of the matter and leaves no doubt as to where he stands. He knows the challenge of the aggressor cannot be answered by retreat or abdication of a nation's commitments, for such a course only increases the hardness of the aggressor. He knows what must be done and he knows it is never easy.

Mr. Barber's remarks are all the more valuable to us at this moment of rethinking and reexamination, because his wisdom is rooted in the perspective and the national heritage of a nation and a people who have stood the lonely test of leadership and principle less than two decades ago. The cause of freedom was the genuine beneficiary of the courage and commitment of the British people displayed at that time. Mr. Barber firmly believes that the commitment in Vietnam is of the same priority to the cause of independence in Asia and to free men everywhere.

Mr. President, I ask unanimous consent that Mr. Barber's remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks of Anthony Barber, Chairman, Conservative Party of Great Britain

Those who claim for the United States to withdraw from the war had better realize what they are asking for. They are asking for a withdrawal and for the unconditional surrender, which would announce to the world that the United States is now ready to break its pledge.

They are asking for the Communists to be given a free hand to take over any part of South Vietnam or of Southeast Asia. They are asking for the defense of the United States to be outsourced to Thailand, Malaysia and Singapore. And it would not end there.

And when these critics attack the United States for breaking its pledges to its friends in Asia, they should consider that the United States is of the same priority to the cause of independence in Asia and to free men everywhere.

As a member of the Conservative Party of Great Britain, I know that this country and this continent and this hemisphere will do everything in its means to come to the defense of the free world against the spread of Communism, and the United States deserves our gratitude and our understanding.

CREDIT FOR COLLEGE EDUCATION

Mr. Hansen. Mr. President, last year the U.S. Senate passed, in the form of an amendment to other legislation, a bill that would allow for a tax credit to individuals for expenses incurred in providing higher education. This amendment, introduced by Senators Ribicoff of Connecticut and Dominick of New York as S. 835, was cosponsored by 53 Members of this body. Although the amendment was later deleted from the bill's final form, as were several other amendments, it is still sound legislation.

The necessity of providing some relief to individuals incurring the high cost of college education has been pointed out on many occasions. One of the strongest arguments for the passage of such legislation is the heavy burden being borne by middle-class Americans who are attempting to send their children to college. It is forever to the credit of the junior Senators from Connecticut and Colorado that they have called these facts to the attention of the Senate.

I was reminded once again of this ever-increasing burden by an article entitled, "Rising Cost of Going to College," published in the U.S. News & World Report of March 4, 1968. The article documents that college expenses have far outstripped the rise in most other living costs. The cost of going to college has been increasing over the last 10 years at an annual rate of 4 to 5 percent.

Since 1958, the average cost of a dormitory room at public colleges has increased by 122 percent, and fees have gone up by 68.47 percent. The comparable figures for private colleges are 67.81 percent and 104.4. In the past 10 years, the total cost of higher education has increased by 44.15 percent in public colleges and by 68.47 percent in private institutions.

The argument has often been made by opponents of the Ribicoff-Dominick Amendment that tuition and fees do not provide substantial assistance to college students. However, it becomes clear after a close study of the figures used in this article that due to the fantastic increase in tuition and fees over the past 10 years—67 and 104 percent for public and private colleges respectively—these charges now account for a substantial portion of the cost of a college education. Today, tuition and fees make up 59.57 percent of the total cost. By 1968 the figures will be 60.2 for public colleges and 68.47 percent for private colleges.

If you are shocked by the cost of sending your son or daughter to college, averaging 4 to 5 percent, is in store for the next school year. All this comes on top of a rapid climb in college expenses that, over the last decade, has far outstripped the rise in most other living costs.

The accompanying chart reveals what has happened to college budgets in the past few years. Figures cover tuition, fees, room and board, and are averages. They do not include books, clothing, transportation and other expenses that can add up to another $800 to the basic cost of a year at college.

Thus a student going to a public university in the Northeast, who typically spends $600 to $800, finds his expenses are already $800 to the student brings the total to nearly $2,900, or about $80 a week over a...
nine-month school year. Actually, in many private schools, costs of $4,000 a year are common.

$12,000 education? The average price for four years of private college is approaching $12,000. Even at State-supported institutions, the typical cost of a college education is nearing $7,000.

All told, college bills can amount to a small fortune for a family with two or more children of college age. And many students hope to go on to graduate schools after getting a degree.

The trends shown here help to account for the increasing popularity of two-year community colleges, where students can live at home.

They also explain the growing pressure to get federal scholarships for students, as well as the push to provide more Government aid to colleges, which are themselves caught in a seemingly endless escalation of expenses.

**AVERAGE CHARGES FOR ACADEMIC YEAR AT 4-YEAR COLLEGE**

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<td>Public colleges</td>
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<td>Tuition and fees</td>
<td>167</td>
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<td>Dormitory room</td>
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<td>Board</td>
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Note: Costs at many colleges are much higher than these averages. Expenses of books, clothing, transportation and other items push outlays still higher.

Source: U.S. Office of Education.

**PERCENTAGE CHANGE IN AVERAGE CHARGES FOR ACADEMIC YEAR AT 4-YEAR COLLEGES**

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**TUITION AND FEES AS A PERCENTAGE OF TOTAL COLLEGE COST**

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**OMNIBUS HOUSING BILL**

Mr. MONDALE. Mr. President, the Housing and Urban Affairs Subcommittee is presently conducting hearings on the President's omnibus housing bill. The bill is a definite commitment to house the poor and the low-income population of our Nation. It provides for the construction of 6 million units for the low- and moderate-income families over the next 10 years. It is my hope that the committee will report a bill which will help at least 6 million families over this 10-year period and will be directed to the low-income families which, in the past, has been bypassed by many of our housing programs.

The Minneapolis Tribune, in an editorial published on Sunday, February 26, praised the President's proposals, calling them "the start toward the day when no American, except by choice, is ill housed."

Mr. President, I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

**NO AMERICAN NEED BE ILL HOUSED**

The conscience of many Americans has always been troubled by the existence of so much housing inadequacy in this greatest nation. But where earlier generations, including Franklin Roosevelt's depression generation, lacked the resources with which to combat such squalor, today growing in economic strength and affluence, has the resources with which to extend the opportunity for decent housing to all its citizens.

President Johnson recognized this possibility when he talked last week of a national goal of 26 million new homes and apartment units in the next 10 years, including 6 million homes and apartments for poor Americans.

The President proposed a number of governmental programs as steps toward the 6 million housing units for the poor. Among his suggestions were increases in the federal low-income home purchasers, subsidies aimed at builders of rental units for low and moderate-income families, tax incentives for investors, and special riot risk guarantees for insurance companies to encourage such firms to write policies on ghetto homes and businesses.

These and other related proposals were described by Mr. Johnson as being "directed toward the day when no American, except by choice, is ill housed." That involvement must match the massive dimension of the urban problem. What is needed is a new partnership between business and government in the war on poverty.

The President's proposals are not unlike the techniques used by the West German government to contain the so-called "ghetto homes." For a time, it was the policy of such firms to write policies on ghetto homes and apartments for poor Americans.

The President proposed a number of governmental programs as steps toward the 8 million housing units for the poor. Among his suggestions were increases in the federal low-income home purchasers, subsidies aimed at builders of rental units for low and moderate-income families, tax incentives for investors, and special riot risk guarantees for insurance companies to encourage such firms to write policies on ghetto homes and businesses.

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**ADMINISTRATION OF THE HOMESTEAD LAW**

Mr. HIBBLE. Mr. President, each Member of this body has a deep concern with the equitable administration of the laws we pass. Those of us from the public lands States are even more directly concerned with the administration of the homestead laws. The original Homestead Act, signed by President Lincoln in 1862, was and is one of the great social documents of this Nation or any other nation. Its primary purpose was to bring people to the land, and to make the land available to the people who cultivate it.

Recently a highly pertinent judicial opinion has been written concerning the homestead law and its administration. This opinion was handed down by the Honorable Bruce Thompson, U.S. Judge for the District of Nevada, and is in the case of Lance versus Udall, Secretary of the Interior. The case came before the court on an action for violation of a decision of the Solicitor of the Department of the Interior. The homesteader had appealed to the Secretary for an equitable adjudication of a lower administrative determination of his claim.

Judge Thompson, in his own words, "reluctantly" reached the conclusion that the Solicitor's decision was not judicially reviewable, but then wrote very peremptively that the court reached the same result in general and of the equitable adjudication statute with respect to the homestead law in particular.

He concluded by suggesting that the Department reconsider the decision of his
Solicitor "to the end that a broader chancellor's foot may be utilized in the solution of this type of problem."

In view of the pertinency of Judge Thompson's opinion to the equitable administration of the homestead law, I ask unanimous consent that the text of the opinion be printed in the Record.

There being no objection, the opinion was ordered to be printed in the Record, as follows:

[In the U.S. District Court for the District of Nevada, Civil No. 1864-N]


MEMORANDUM OPINION

This is an action to review a decision of the Secretary of the Interior canceling a homestead entry. The final proof had been contested by the Bureau of Land Management upon the ground "that the Contestee's homestead is located in an area where the rainfall is inadequate and the Contestee has not applied such amounts of water, by means of irrigation, to the land as to make it reasonably be expected to produce a crop."

At the conclusion of the hearing before the Secretary, no findings were made by the Secretary in the case referrable directly to the Director for equitable adjudication. The Director referred the case to the Bureau of Land Management for recommended findings and decision and then accepted the case for equitable adjudication but found the equities to be against the entryman and moved for an order of cancellation. This decision was affirmed in an opinion by the Solicitor of the Department of the Interior, the final agency action of which review is hereinafter set forth.

Equitable adjudication of suspended entries of public lands is authorized by 43 U.S.C. 1161 et seq.

"§ 1161. Suspended entries of public lands and suspended preemption land claims.

"The Secretary of the Interior, or such officer as he may designate, is authorized to decide upon principles of equity, and justice, as recognized in courts of equity, and in accordance with the requirements of law, the case of any entry or the entryman, as the case may be, in order to carry into effect the provisions of the homestead law, of the acts of Congress, and any other matters concerning the settlement of public lands which are not otherwise provided for by law."

Sections 1161-1163 of this title and section 1171, shall be applicable to all cases of suspended entries and locations, which have arisen in the Bureau of Land Management since the 26th day of June, 1866, as well as to all cases of a similar kind which may hereafter occur, embracing as well locations under the stock and homestead entry laws as under the sales, including homestead entries and preemption locations or entries, where the law has been substantially complied with and the error or informality arose from ignorance, accident, or mistake which is satisfactorily explained; and where the rights of no other claimant or preempee are prejudiced, or where there is no adverse claim.

Regulations pursuant to section 1161 have been promulgated by the Secretary: 49 F.R., § 2011.1 Equitable adjudication.


"(a) All classes of entries in connection with which the Secretary of the Interior has not been substantially complied with and with legal notice given, but the necessary citizenship status not acquired, sufficient proof not submitted, or full compliance with law not effected within the period authorized by law, or where the final proof testimony, or affidavits of the entryman or claimant were executed before an officer duly authorized to a Superintendent of the Land Management, but outside the county or land district, in which the land is situated, and special cases determined by the Secretary of the Interior, where the value of irrigation, to the land embraced in the homestead entry is located in an area where the rainfall is inadequate and the Contestee has not applied such amounts of water, by means of irrigation, to the land as to make it reasonably be expected to produce a crop.

We first decide whether this falls within the class of cases saved from judicial review by the Administrative Procedure Act (5 U.S.C. 701 et seq.). We find (a) that (1) 43 U.S.C. 1161, et seq. states: "This chapter applies, according to the provisions thereof, except to the extent that * * * agency action is committed to agency discretion by law." We have reluctantly concluded that 43 U.S.C. 1161 does commit agency action to agency discretion, that judicial review is precluded by the express language of the Administrative Procedure Act, and that we must apply that language. (2) Land and Commercial Company v. Udall, N.D., Cal. 1965, 244 F. Supp. 172. We have considered holding that the Solicitor (acting for the Secretary of the Interior) was exercising discretion. The exercise of discretion (Cf. Chavez v. McGranery, S.D. Cal. 1953, 108 F. Supp. 256), or, if the same facts were found to exist, would be an exercise of discretion. We consider (a) inside the guidelines or standards prescribed by the Congress. Cf. Richardson v. Udall, S.D. Cal. 1966, 253 F. Supp. 72. In final analysis however, we cannot escape the conclusion that if we did so, we would be substituting our judgment for that of the Solicitor (acting for the Secretary of the Interior) and the Congress to the discretion of the Secretary and thus subject to the statutory injunction precluding judicial review. The statute does not provide for or permit judicial review, and the agency action committed to agency discretion merely because the Judge before whom the action is filed thinks that some other result should have been reached.

The foregoing necessarily concludes this memorandum opinion and the following sections of this opinion. The Solicitor's action was in error, for the cultivation requirements of the homestead law are manifest in the law, and the Solicitor has no discretion as to whether or not the cultivation requirements have been satisfied. The Solicitor had no right to the erroneous interpretation for that of the Secretary to the extent that he did exercise discretion, he did not do so within the guidelines or standards prescribed by the Congress.

Second: The Solicitor's decision holds the entryman to substantial compliance with all statutory requirement for perfecting a homestead entry. Under this interpretation of the equitable powers of the Secretary (43 U.S.C. 1161, et seq.), there is no discernible difference between an equitable adjudication and a direct appeal, after hearing, from adverse findings and denial by a Hearing Examiner. It is our interpretation of the statutes that they are intended to vest discretion in the Secretary to the extent that where there has been less than substantial compliance with some statutory requirement the Land Management, in its discretion, may cancel the entry for an direct, appeal, or, that if appeals do so within the guidelines or standards prescribed by the Congress.

"Rights" are vested in the entryman to substantial good faith compliance with the requirements of the homestead law because he failed to develop a well or that his noncompliance with those requirements could be excused under principles of equity and justice. However, it is well settled that no rights may be obtained through reliance on erroneous action of the Land Management employee. See Fred and Mildred M. Bohem et al., 63 I.D. 65 (1956); Jessie H. Nicholas, Jr., supra, and cases cited. To the extent that any advice was given, or action taken, by the Land Management office officials, the advice was in error, for the cultivation requirements of the homestead law are manifest in the law, and the agency had no authority to waive them. Jesse H. Nicholas, Jr., supra, and cases cited.

This, we submit, is the identical statement of principles which has made direct appeals and normal adjudication, and it is, of course, true that an entryman can obtain no "rights" in reliance on wrong advice of a land office field employee. However, it is pertinent to observe that this was necessary to save such entries from rejection and cancellation when otherwise meritorious.

The contest complaint limited the issue strictly to failure to apply water by means of irrigation as may reasonably be expected to produce a crop. The entryman moved for an equitable adjudication, the issues became enlarged beyond the one specified to include substantial compliance with the requirements of the homestead law because he failed to develop a well or that his noncompliance with those requirements could be excused under principles of equity and justice. We are strongly of the opinion that if relief is authorized under principles of equity and justice, the agency should consider the advice to apply the principles of equity, for the purpose of saving from rejection and cancellation a class of entries deemed meritorious by Congress, but which could not be so saved and cancelled. It is the purpose of this legislation that necessary to Congress to allow such entries to be saved from rejection and cancellation when otherwise meritorious.

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given by the field employees and the extent of the entryman’s good faith reliance thereon, and should weigh these with other factors in exercising the discretion granted.

Fourth: Similarly, in considering the facts that the entryman made two efforts to obtain a well on the property in 1956, only to be met with the information that his drilling struck a rock and the second because the driller encountered cavernous conditions which made it necessary to cancel his efforts and preclude further drilling, the Solicitor’s decision cites an established rule of normal adjudication:

"The record does not disclose that appellant made any further attempt after 1958 to develop a well during the life of the entry, and it is offered for failure to pursue such efforts except a lack of finances (Tr. 53, 54). The Department has consistently held that the inability of an entryman to meet the financial demands for development of his entry is not a circumstance in which he will be found to be without fault. See Joseph R. Holt, Rose J. Holt, A-28468 (November 2, 1960); LaDean Butler and Ellen B. Butler, A-32873 (February 7, 1962); Virgil H. Belisle, A-39554 (March 24, 1964)."

Fifth: At the time of the evidentiary hearing, the record shows that the entryman was then allowed the opportunity to drill a well. Whether or not he was successful is not in the record, but principles of equity and justice would suggest a supplemental record to obtain a well. Equity should not require a homestead entryman to have unlimited financial resources.

Sixth: Throughout the course of administrative decision, it seems to have been taken for granted that there were two, at least two, alternative—either to grant the patent or to cancel the entry. The historical hallmark of "principles of equity and justice, as recognized in course of equity" is the capacity to fashion relief to meet the exigencies of the particular case. The jurisdiction of the character in equity was invoked to avoid the inflexible stricture of common law forms of actions and forms of relief.

The time, however, to assess the problem is when no one can quarrel with the statement of the rule, an equitable approach would suggest a supplemental record to obtain a well. Equity should not require a homestead entryman to have unlimited financial resources.

FORMER NEW JERSEY GOV. ROBERT B. MEYNER TAKES ACTIVE ROLE IN FOCUSING ATTENTION ON INTERNATIONAL HUMAN RIGHTS YEAR 1968

Mr. PROXMIRE. Mr. President, the highly respected former Gov. Robert B. Meyner, of New Jersey, is among the 10 distinguished Americans who are helping to focus world attention on the International Human Rights Year of 1968.

Governor Meyner, now with the law firm of Meyner & Wiley, of Newark, N.J., was named by President Johnson earlier this year to the President's Commission on Human Rights. The Commission was established by the President's Proclamation of December 24, 1968.

The purpose of the Commission is to promote the national observance of International Human Rights Year in the United States and to focus public attention on, and to provide public support for, the Human Rights Conventions.

The appointment of former Governor Meyner can, indeed, be regarded as a significant one, for he is well known for his dedication to the support of human rights. His unrelenting fight to help his fellow man has won for him well-deserved praise.

Governor Meyner served as chief executive of New Jersey from 1964 to 1968, and was a strong exponent of the ideals of liberty and equality for everyone. He was elected to the New Jersey State Senate in 1947 before taking over the reins of the New Jersey State government.

I am quite pleased at Governor Meyner's active role in the program to obtain Senate ratification of the Human Rights Conventions which will serve to encourage nations to translate these principles into their own constitutions and codes.

FAIRMONT STATE COLLEGE PRaised

Mr. BYRD of West Virginia. Mr. President, a most interesting article concerning Fairmont State College in Fairmont, W. Va., was published recently in the national newspaper, Home Furnishings Daily.

This article, which was brought to my attention by Paul E. Edwards of the history department at Fairmont State College, is a welcome relief from reading of bearded hippies, protesters, and professional nonstudents.

I commend the article to the attention of the Senate, and I ask unanimous consent that the article, entitled "In America," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

IN AMERICA

(By Charles Mitchelmore)

FAIRMONT, W. VA.—In the registration lines for the spring semester, the 2,755 students of Fairmont State College looked like
Senator, an instant replay of the fifties: Knee-length hair, "ways saying things are wrong? I think things hand up and asked: 'Why is everyone at West Virginia because of what he heard was happening up class," junior in P.E. Monongahela and the Tygard rivers in upper servatism—small describes as the "traditional setting for con­ ing breakthroughs in transportation—the in­ terstate highway, new airport and river facili­ ties—that will get us opened up culturally, according to the man who hooks them up abandoned coal camps near the town and the industrially and other provided the bricks for the Empire over the bar at Pittsburgh. to receive cable transmission broadcasts from and half the TVs in town are color models, light bulbs here and Owens-Illinois makes of miners, one professor likes to tell about the services, without friendly and poor. They asked if we bad electricity." State st ude!; studio courses where that sort of thing are largely fundamentalists, on the edge of without

"We're isolated. There's no getting around it," said Richard Parrish, editor of Fairmont's evening daily West Virginian. "The only reason why I liked getting out of the coal town to go to college was to do graduate work in English at Columbia. They don't see what's happening in the cities we've never been to Detroit or places like that.

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But a big color television set glows nightly over the bar at Colesscesano's pizza house— and to get a job you have to be colorblind, according to the man who hooks them up to receive cable transmission broadcasts from Pittsburgh.

Three new mines have been started in the last year and there is no unemployment in the coal business. Westinghouse makes light bulbs here and Owens-Illinois makes glass bottles.

To show how badly the mines want work­ ers, Harvey was reluctant to go; he is fifty-three and has been flying for eighteen years, all of them laudatory, (some of them adulatory), Weiss argued that for such a study, and asked the Air Force to review the book, the most complete record so far of what our air­ men were spending the first part of the faculty table from him, in the University," said an out-of-state member of the champion­ team, is a lonely ruin just up the river. In the spring of 1966 a freelance writer named Frank Harvey was invited by Maj. Harvey's look at time more to Vietnam," he said. He learned how it feels to drop bombs and tanks tumble into them. He gets hands on to protest war, he was stricken with feelings of re­ view of book "air war: vietnam" Mr. Morse, President, a most provocative book about air warfare in Vietnam has been written by Mr. Frank Harvey. It is entitled "Air War: Viet­ nam." A review of this book appeared in the New York Review of Books on January 4, 1968, I ask unanimous request that it be printed in the Record.

There being no objection, the review was ordered to be printed in the Record, as follows:

**Our air war** ("Air War: Vietnam," by Frank Harvey, Ban­ tam, 35 pp., paper) (By Robert Crichton)

In the spring of 1966 a freelance writer named Frank Harvey was invited by Maj. George Weiss, PIO officer for the 7th Air Force in Saigon, to Vietnam to do a "defini­ tive" study of the conduct of the air war. Harvey was reluctant to go; he is fifty-three and the assignment would be arduous and hazardous, but because of his record as a military specialist (Harvey has written some eighty articles on military subjects in the past twelve years, he has seen some of them actually), Weiss argued that "Obligated" to go.

At the same time, Edward Muhlfeld, pub­ lisher of Flight magazine, asked Harvey to write a fragment of what Harvey was encour­ aged to see. Harvey was reluctant to go; he is fifty-three and has been flying for eighteen years, all of them laudatory, (some of them adulatory), Weiss argued that for such a study, and asked the Air Force to review the book, the most complete record so far of what our air­ men were spending the first part of the faculty table from him, in the University," said an out-of-state member of the champion­ team, is a lonely ruin just up the river. In the spring of 1966 a freelance writer named Frank Harvey was invited by Maj. George Weiss, PIO officer for the 7th Air Force in Saigon, to Vietnam to do a "defini­ tive" study of the conduct of the air war. Harvey was reluctant to go; he is fifty-three and the assignment would be arduous and hazardous, but because of his record as a military specialist (Harvey has written some eighty articles on military subjects in the past twelve years, he has seen some of them actually), Weiss argued that Harvey's look at time more to Vietnam," he said. He learned how it feels to drop bombs and tanks tumble into them. He gets hands on to protest war, he was stricken with feelings of re­ view of book "air war: vietnam" Mr. Morse, President, a most provocative book about air warfare in Vietnam has been written by Mr. Frank Harvey. It is entitled "Air War: Viet­ nam." A review of this book appeared in the New York Review of Books on January 4, 1968, I ask unanimous request that it be printed in the Record.

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Sartre has written that the ultimate evil is the ability to make abstract that which is fundamentally concrete. This book has taken this into a habitual approach. Harvey's sin against the military code is not only his stubborn inability to make inhuman that which is fundamentally human, but to feel for them as well. There was nothing profound about what he wrote, not even a hint of contempt. The lives of people and people as victims, but to feel for them as well. There was nothing profound about what he wrote, not even a hint of contempt. The lives of people and people as victims, but to feel for them as well. There was nothing profound about what he wrote, not even a hint of contempt. The lives of people and people as victims, but to feel for them as well. There was nothing profound about what he wrote, not even a hint of contempt. The lives of people and people as victims, but to feel for them as well. There was nothing profound about what he wrote, not even a hint of contempt. 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flak vests and after a fire fight was won they landed on the battlefield, got counted there and had his own personal sidearm he carried along for mopping up. A Swedish K automatic pistol seemed to him suitable.

"Capt. George O'Grady wears a steel helmet modeled after the old Roman battle helmets. His door gunners were enlisted people and as savage as the drivers. I saw a door gunner who affected deerskin gloves with the edge of a suspect village.

:flak vests and after a fire fight was won they seemed to be the favorite.

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Counted their VC did a lot of.

when Harvey asked a chopper pilot how he did, the man answered in disgust: "Wash out. Got me two VC water buffalo and a pregnant woman."

The reason Harvey finds the chopper crews the "jolliest" is that at least they know whom they are killing. The worst crimes being committed against the people of South Vietnam, however, are being committed by one of the least, criticized of all our weapons, the B-52 bombers, once the backbone of General Curtis LeMay's SAC, the key to Dullie's "massive retaliation" policy, to deliver the H-bomb to the Soviet Union, they have this role in Vietnam:

The B-52 crews are old pros. They took on the missions which the United States when they could, at any moment, have been ordered to fly deep into Russia against deadly defended targets—victors—a mission from which many of them would not have returned. Now they have a quite different set of orders. To blast or burn large areas of jungle, villages, roads (and fields) containing living things, animals and men, some innocent and unaware, without warning. It's a part of their Airing. It's just the way the ball happened to bounce. But one can't help but wonder what a man thinks about, after he'd set fire to 50 square miles of jungle from high altitude with a rain of fire bombs, and wakes up in his room in the darkness—and lies awake watching the inferno down below.

Nothing will live in those fifty square miles. Even a turtle burrowed in the mud at the back of a cave will appear only as ash. Used to be the kind of war they used to play perilously close to a weapon of genocide. According to Harvey and other reporters, our B-52 operations, using 3,000-pound bombs ("constant sniper killers" or "pilo-says") have done as much to create the 2,500,000 to 3,000,000 refugees in South Vietnam as any other American action.

What do these men feel about what they are doing? Their professionalism protects them. Harvey believes, as well as their ability to make abstract the results of their work. Harvey tried to invite a group of B-52 pilots to visit a site in the Thicket. The overwhelming majority of patients were women and children with fire and bomb wounds, but they wouldn't go inside. They insisted, in fact, that they almost never hit anyone. When Harvey offered to show them quite a few they did hit, one of them finally said: "Yeah, but we patch 'em up, don't we?" It even made them laugh.

The protection, then, is not to see. One of the most pathetic American statements to come from the war was made by John Mc-

Cain, 3rd, who has been in the West­

ter for four days and then had his been almost doing nothing.

Harvey's book probably will not open any other's eyes but it can help to reopen the eyes of Americans who have become somewhat bored with the endless news dispatches and missions and the "pacification" of the village of Ben Sue. Although Harvey didn't intend it, Air War: Vietnam is a new factual ammunition for those who wish to shift the debate about the war from argument about American political and military strategies to the kind of question whether American actions are morally defensible on any grounds whatever.

There is a legacy of Western thought, rather innocent but still a potent political force, that there are some things that just cannot be done, some lines that cannot be taken, in the name of military expediency. Notwithstanding the complexities of our in­

volvements in Vietnam, this moral argument is a quite simple one. One does not pour flaming jet oil on the heads of women and children merely because there may be an enemy in the house or at least in the house next to it. One does not drop anti­

personnel fragmentation bombs on unde­

fended civilians with the idea that if the soldiers, when there is certainty of murdering people.

There is a moral logic here: If this is the kind of war, and if this is the kind of enemy the United States has to face, and if we can make one help fight such a war—something a good many people, especially the young, have chosen to do. However, while this argument is effective for personal individuals, it seems to me that one who could have a far more powerful political effect than it yet has. American foreign policy should not be allowed to hide behind the question of our involvement in Vietnam, for which a case can be made, but should be forced to defend our conduct there, which, on examination, becomes indefensible. For this purpose, facts are necessary; some of these facts are to be found in Harvey's books.

A second legacy that most of us share, though it lies dormant in us, is the belief that we are acting for our "deeds". It is the thought, after all, which informed Nuremberg. Generals don't make policy (usually), but they formulate fact policy, are responsible for it, and condoned such tactics as "Recon by fire"—hounding made possible by the B-52's. It is inexcusable that men such as Westmoreland have been able to appear on television programs and at news conferences and have not been forced to account for the kind of tactics and weapons being used on the people of both Vietnam and the United States. Simply asking the question, spelling out the terms, would have been 

enough. It should prove interesting to hear, especially in the face of a persistent questioner, the de­

fender. The B-52's were ordered to take the hope of finding a suspect. Until now one of the reasons for the absence of such ques­

tions has been a lack of hard information about the real purpose of the action itself.

I don't mean to suggest that such informa­

tion as is documented in this book is going to cause an immediate sense of moral outrage throughout the community. But a very small hope for this country, it must be that when information of the kind contained in Air War: Vietnam is more thoroughly known, the idea of the B-52's is more than ever dead.

Mr. YARBROUGH. Mr. President, the autumn 1967 issue of the Living Wilderness magazine, published by the Wilderness Society here in Washington, contains a most interesting article, writ­

ten by Pete A. Gunter, on the Big Thicket in Texas.

This article accurately captures both the values of the Big Thicket and the dangers that threaten its very existence . May I ask unanimous consent that the article be printed in the Record, as follows:

The Big Thicket

Pete A. Gunter

It is not known who first encountered the Big Thicket. Spanish padres visiting mis­sions around Nacogdoches, Texas, recorded that between the main town and the huge forest there was a forest so thick that it could not be travelled afoot, and that Indians journeying there went by canoe, since there were no trails by land. The padres' reports, however, were exaggerated. Animal paths and hunting trails had long penetrated the dense woods, though perhaps they were only for the wilder­

ness for abundant game from as far away as Colorado and New Mexico neither remained long nor ventured far from, travelled paths.

The first American settlers, coming to Tex­
a as for Spanish land grants, found their way blocked time and again by the dense under­
growth. Frustrated, forced to turn back, they concluded they had discovered an immense thicket, stretching endlessly south and west. In the subsequent generations of mis­

adventures, therefore, they referred to the area as The Big Thicket. Early pioneers avoided the Big Thicket, travelling south to its northern border and following the old Nacogdoches-San Antonio trail westward to more open country.

The Spanish padres before them, however, the pioneers exaggerated. The Big Thicket was never a single, massive jungle. Impenetrable thickets, it is true, followed by numbers of innumerable streams. But between the streams and above the lower, marshy ground were sandy hill slopes grown in long pine branches which covered the ground there in a thick layer, and pine root systems so interlaced the soil that trees could never gather hold. Further north were open beech forests, still easier to traverse. The Big Thicket was, therefore, a highly diverse area. It was not one, as is commonly supposed, a single, massive.

In spite of its reputation the Thicket be­

gan gradually to be cleared and farmed. In some cases small groves of trees held out, but settlers came in numbers. The wilderness, however, gave way only grudgingly to axe, fire, and blasting powder. The early pioneers were needed for days to weeks to blow out stumps and burn logs, where today a power saw can fell a thousand-year­

old branch and clear the way in a few minutes. Between new fields of cotton, broad stretches of wilderness remained, always ready to re­

conquer what has been won from it. Indians still frequented its depths, and the troops
SENATE 5961

Taught the southeastern States— including sweet not only most of the plant species found in the many species of western plant not found somewhere in weed, grow. Within its boundaries flourish ing point of east and west, so its of square miles are being rapidly reduced, the Big Thicket is the world’s largest Molly at its location makes it a meet­ Wardens and Warden, and Liberty) suggested for in­ could confine the Big Thicket to only two of Texas east of the Brazos River. Later esti­ mates include all of Texas east of the Trin­ Hoy Island, named after the honey which is the hamlet of 0, Houston, objected official, and it will take long to convince it is to produce tangible results. Those who con­ tribute and beauty should be preserved. Whether this will prove possible is debtable. A present­ day visitor to the Big Thicket will see much that is primitive and beautiful. But he will also see damage wrought by pipelines, new roads, destructive lumbering practices, and oil drilling. Still worse, he will find the sud­ den mushrooming of vacation and retire­ ment communities on the area that was Vac­ ation Acres, Wild Country Estates with its adjoining Wild Country Bar-B-Que, Wild Country Ranch, and Wild Country Ranches, Inc. Owing to the accompaniment of billboards and fluttering plastic flags.

A closer examination will reveal still uglier scars. In some cases, private industries have used airplanes to spray and kill hardwood forests to make room for pine. Not only does this result in the destruction of cypress, tup­ elo, and oak; in the process untold numbers of animals and birds may be killed. Recently Lance Rosier reported that an entire rookery, containing nests and young, was stripped and burned out of the trees. Their eggs and young, as well as their nest material, were left to the mercy of the weather.

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the ground where they had fallen! The Justice observed that it was a naive but obviously a ruthless attempt to deface the beauty of the forest and added that there was no special demand for magnolia lumber that would justify the massive cutting of this famous tree.

The writer must admit there is no such demand, and that, worse, much of the lumber felled was in the public right-of-way, which no lumber company—however powerful—has a right to cut.

While past attempts to preserve wilderness areas of the Big Thicket have been notably unsuccessful, efforts of the Big Thicket Association and other conservationist groups have begun to bear fruit. In October 1966, Senator John H. Tower of Texas introduced Senate Bill 3929 to establish a Big Thicket National Park of 75,000 acres. In June, 1967, the National Park Service announced its plan to set aside nine areas: Beaumont Unit, Tanner Bayou Unit, Little Cypress Savannah, Clear Fork Bog, Hickory Creek Savannah, Neches Bottom Unit, Beech Creek Unit, Cypress Creek Unit, and Beech Creek Unit. Each of these units contains some unique feature. (For example, Lobolly Unit contains Texas' last virgin pine forest, Hickory Creek Savannah, an unusual variety of insects and animals, and Neches Bottom Unit, a primitive cypress swamp.) The units are to be bound together by a system of carefully designed scenic roads, with footpaths for hikers and naturalists.

It is no longer possible to find contiguous areas of five thousand or more entirely untouched by man. But the possibility that intraspecific lumber companies may be more willing to accept a "must preserve" designation of smaller wilderness areas strung together with scenic roads than a far-flung National Park, argue in favor of the Park Service's recommendation of Texas intrastate areas that should be protected remain, in this writer's opinion, outside of the Park Service's original plan. A total of 38,000 acres seems a sufficient maximum, considering the area's original extent.

In any case, action must be taken quickly. The Beech Creek unit has already been bulldozed by one lumber company, fully aware of what it was doing, while another company has approached the Lobolly Unit to make room for pulp timber.

As one lumber executive recently snapped: "The Big Thicket! In four years there won't be a Big Thicket!" Only concerted efforts by one lumber company, fully aware of what it was doing, can prevent this. Only concerted efforts can prevent this.

(Nota—Dr. Gunter's family came to Texas from Georgia around 1850. Born in Hammond, Indiana, he was reared in Houston, Texas. He received B.A. degrees from the University of Texas and from Cambridge University, and a Ph.D. in philosophy from Yale University and has taught philosophy at Auburn University in Alabama, and, since 1965, at the University of Tennessee.)

DAIRY IMPORTS ADVERSE IMPACT ON BALANCE OF TRADE

Mr. PROXMIRE. Mr. President, on March 1, the National Milk Producers Federation, in a letter to the chairman of the House Committee on Ways and Means, set forth facts and figures regarding the adverse impact dairy imports were having on our balance of trade.

The dollar drain represented by these imports rose to a high of $73,702,697 and has now been reduced, thanks to a Presidential proclamation in June of last year, to an estimated $30,796,255 for 1968. Incidentally, an econometric analysis which indicates that reducing the tourist exemption to 10 would cut the dollar outflow by $50 million, and we will get some idea of the significance of the amounts under discussion.

Obviously, it would be virtually impossible and quite likely unwise to choke off completely all dairy imports, although the authority presently exists to do exactly that under section 22 of the Agricultural Adjustment Act. However, this dollar drain could be reduced substantially by the enactment of my dairy import control bill, co-sponsored by 58 Senators, which would cut back imports to the 1961-65 levels.

So that Senators may get some idea of the magnitude of the problem in terms of our balance of payments, I ask unanimous consent that the National Milk Producers Federation letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

NATIONAL MILK PRODUCERS FEDERATION

Hon. William D. Mills,
Chairman, Ways and Means Committee,
House of Representatives, U.S. Congress,
Washington, D.C.

Dear Mr. Mills: We shall greatly appreciate it if you will place in the record of the hearings on legislation relating to balance of payments the following statement of the National Milk Producers Federation.

We do not profess to be informed on the major issues of the balance of payments but since the record controls what issues seem important on matters outside our field; although, along with many other American citizens, we are deeply concerned about the situation in which we find ourselves, we feel the need for the importation of dairy products, which not only are not needed and which serve only as an outlet for domestically produced milk and butterfat, thus forcing domestic production into the support program at added and unnecessary cost to the Government.

Imports of Roquefort cheese, and other sheep's milk cheeses, are not included in these figures because we do not make sheep's milk cheeses in this country.

The figures obtained from the Department of Commerce and are foreign value, excluding ocean transportation, approximately $24,405,500 for 1966 and $25,157,000 for 1967. We do not have the dollar value of these imports, but we believe a reasonable estimate of the average foreign value would be 25 to 30 cents per pound. This would indicate a dollar drain for this item of approximately $24,405,500 for 1966 and $25,157,000 for 1967.

Of course, the volume of some of the imports listed are controlled by quotas. Some of these quotas were enlarged, and some new ones were imposed, last July 1. The major actions taken were: dairy cream imports not only drain dollars out of this country needlessly, but they also burden the price support program with added and unnecessary costs. This affects the budget deficit adversely and adds to the total burden of the American taxpayer.

It is estimated that the dollar drain for these imports for the year 1966 was $70,065,800, and for 1967 $75,772,697. While the drain for the year 1966 was $5,065,800, the drain for the years 1967 and subsequent years, based on current import controls as revised July 1, 1967, is estimated at $38,796,255 per year. These amounts are significant when compared with estimated reductions of the dollar drain to be achieved through other means under consideration.

For example, reducing the tourist exemption to 10 is estimated in the Committee print of February 5, 1968, to cut back foreign acquisitions by $50 million. Foreign expenditure under the proposal to eliminate the gift exemption would be cut by $25 million, thus reducing the dollar drain on dairy products, which not only are not beneficial but actually are harmful to our agricultural economy and our domestic agricultural producers, would provide a substantial reduction in the dollar drain for these imports.
It is estimated that the added cost to the support program from these unneeded imports was $3,954,400 in 1968 and $315,177 in 1969.

The level of imports permitted under the present quotas is expected to put an unnecessary burden on the support program for 1968 estimated at $44,400,000. This will be a continuing and annually recurring burden as long as our own supplies are adequate and the imports are not needed.

Exports of dairy products from foreign countries to the United States have been heavily subsidized by the foreign countries. It is a very serious economic condition for the amount of the subsidy to be more than twice as great as the selling price.

Although the condition has existed for several years, neither the Department of Agriculture nor the Treasury Department has taken effective action to control it.

Sincerely,

E. M. NORTON
Secretary, National Milk Producers Federation

TABLE A—OUTFLOW F.DOLLARS FOR UNNEEDED DAIRY IMPORTS, 1966 AND 1967

<table>
<thead>
<tr>
<th>Product</th>
<th>1966</th>
<th>1967</th>
</tr>
</thead>
<tbody>
<tr>
<td>Milk and cream in all categories</td>
<td>$4,292,726</td>
<td>$4,010,135</td>
</tr>
<tr>
<td>Butter</td>
<td>265,198</td>
<td>377,386</td>
</tr>
<tr>
<td>Blue-mold cheese</td>
<td>2,439</td>
<td>2,446,754</td>
</tr>
<tr>
<td>Cheddar cheese</td>
<td>1,503,423</td>
<td>1,677,983</td>
</tr>
<tr>
<td>Edam and Gouda</td>
<td>7,669,107</td>
<td>5,236,991</td>
</tr>
<tr>
<td>Italian type cheese, cows milk</td>
<td>1,194,563</td>
<td>1,677,983</td>
</tr>
<tr>
<td>Swiss cheese</td>
<td>8,188,103</td>
<td>12,285,715</td>
</tr>
<tr>
<td>Gruyere cheese</td>
<td>4,168,194</td>
<td>4,145,728</td>
</tr>
<tr>
<td>Colby cheese</td>
<td>12,570,038</td>
<td>16,324,465</td>
</tr>
<tr>
<td>Subtotal</td>
<td>36,460,363</td>
<td>47,965,697</td>
</tr>
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*Source: Bureau of the Census, Department of Commerce

TABLE B—OUTFLOW F.DOLLARS FOR UNNEEDED DAIRY IMPORTS, 1966 AND 1967

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</tr>
</tbody>
</table>

*Source: Bureau of the Census, Department of Commerce

BORROWING ISN'T THE ANSWER

Borrowing from the banking system is strongly inflationary, because when the banks lend to the government they merely create new money and add to the total money supply.

A large part of the reason for the current rise in prices is the fact that inflationary tax laws are being rather widely observed.

The inflationary tax laws are not doing anything to put a check on the inflationary process, but are merely adding to it.

INFANT NEEDS TO BE STOPPED

Mr. SMATHERS. Mr. President, I ask unanimous consent that an article published in the Los Angeles Times of March 7, 1968, and relating to the income surtax and the necessity of beating inflation, be printed in the Record.

The article, written by William H. Anderson, points out the need for prompt action to defray the cost of the Vietnam war, curb inflation, and reduce the budget deficit.

I commend the article to the attention of all Senators.

There being no objection, the article was ordered to be printed in the Record, as follows:

TOPICAL COMMENT: INCOME SURTAX—The Necessity of Beating Inflation

(By William H. Anderson)

A good deal of controversy has arisen over the issue of imposing a surtax on personal income. It was recommended by the Johnson Administration.

In spite of rising prices (food costs up 10% since 1968), a third of increased inflation (34% of 97% increase) is due to the increased surtaxes. Further increase in inflationary deficits puts an odd burden on the support program for dairy products. Present quotas is expected to put an unnecessary burden on the support program for 1968 estimated at $44,400,000. This will be a continuing and annually recurring burden as long as our own supplies are adequate and the imports are not needed.

Missed foreign value used in computing 1967 values as shown in table A.

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middle east refugees

Mr. Scott, Mr. President, the latest issue of Prentice World War III, No. 71, winter-spring 1968, published by the Society for the Prevention of World War III, Inc., 50 West 57th Street, New York, N.Y. 10019, contains an extended article entitled "Wanted: A New Policy for UNRWA and Middle East Refugees," which deals with the problem of UNRWA and the Middle East refugees—both the history of this problem and possible ways of solving it.

The article was written by Dr. James H. Sheldon, a foreign correspondent who has spent a great deal of time in the Middle East and whose writings on that part of the world have made him an authority on many places. It is necessary for the United States to develop new approaches toward the entire question of Middle East refugees, and I believe that the information contained in this publication may be of substantial help in achieving that purpose.

I ask unanimous consent that the article be printed in the Record. Without objection, the article was ordered to be printed in the Record, as follows:

WANTED: A NEW POLICY FOR UNRWA AND MIDDLE EAST REFUGEES

(By James H. Sheldon)

For 19 years the existence of a huge number of displaced persons in the Middle East has been one of the most unsettling factors in that part of the globe. It is high time for the United States to take a new look at the whole problem: how it began, how the United Nations Relief and Works Agency for Palestine Refugees in the Near East has tried to deal with it, and how we can act to bring about some permanent solution.

HOW THE PROBLEM BEGAN

During the late forties, about a half-million Arabs left that part of Palestine which has now become Israel. Some were motivated by fear, others by the blandishment of Arab military leaders, and the Grand Mufti’s Arab Higher Committee, which urged all Arabs to leave their homes in that part of the world, so as “not to be in the way” of Israel’s expansion, captured 100,000 men and often with the implied promise that they would soon be able to return and “inherit” the properties of their erstwhile Jewish neighbors.

The exact number of persons involved is still a major subject of dispute, and is probably 100,000 men and captured it, he said.

But this figure is large enough to include any responsible estimates that have been made.

1 Dr. James H. Sheldon, the author of this article, is a foreign correspondent and a columnist for the New York Examiner. He is chairman of the Non-Communist Anti-Nazi League and was formerly a professor at Boston University.
Almost simultaneously, another half-million Arabs—(notably, Iraq, Syria, Yemen, Egypt, Libya and Morocco)—were compelled to leave their homes, often under conditions of great discomfort and peril, and became refugees in Israel. Here, the figure is more exact, because Israeli records are more precise. These Arabs were promptly absorbed and resettled in productive work. None of them ever received compensation for their lost possessions.

The Arabs who were, however, were treated quite differently. They were not welcomed as newcomers into the lands of their Arab brethren, but rather were regarded as invaders involving large population exchanges, most of the host countries did not accept them for resettlement; instead, they were herded together in "refugee camps" in Jordan, Syria, Lebanon and the Gaza Strip.

As a result, in 1949 the United Nations General Assembly established UNRWA for the stated purpose of dealing with these Arab refugees—whose number has grown to 1,344,578 "registered" persons, according to the June 30, 1967, report of UNRWA.

THE NUMBER INCREASES
No solution is in sight: in fact, the problem continually enlarges, as families proliferate and more unattached persons in situate themselves into the sheltering arms of UNRWA.

Still another dimension has been added by a new wave of displaced persons resulting from the Arab-Israeli war of June 1967. Meanwhile, UNRWA has spent about $600 million—70% of it from contributions made by the United States. Contributions from 82 other countries have made up the remainder of the budget. The Soviet Union, although increasingly involved in the affairs of the Arab states, has contributed nothing.

Any attempt to consider next steps immediately becomes bogged down for lack of accurate information. Although UNRWA is able to announce a total number of "registered" persons, no one really knows what this figure means.

As one UNRWA Commissioner observed, the reported death rate in the refugee camps is one of the lowest in the world—and the birth rate is among the highest. In fact, a large portion of the population is under-unregistered and the registration cards are passed from hand to hand, or used as currency by local merchants. A recent survey indicates that new refugees are arriving at the rate of 2,000 births. As UNRWA's director observed in his annual report for 1951-52, "to increase... their ration they (the refugees) eagerly receive the charity of passing a newborn baby from family to family."

Senator Albert Gore, returning from a visit to several refugee centers early in 1967, humorously told of arriving at a camp when a funeral was in progress. As soon as the participants heard that a United States Senator was present, he said, the funeral disappeared, and "even the corpse disappeared."

In short, if we are to go forward with a consideration of the future of UNRWA, the very first step must be a complete and accurate census of the population concerned.

Such a census has long been opposed by most of the "host" governments, for political reasons with which the director has not been able to persuade them.

The Commissioner General's report for June 30, 1966, for example, notes on page 8 that "In Jordan, no systematic verification has been possible since 1953, when a census in the refugee camps caused the Government to call a halt to UNRWA's efforts to carry out a census of the entire refugee population."

If a census is the first requisite for planning the future of UNRWA, the second problem is even more important, viz.: What has happened to the resettlement program?

WHAT ABOUT RESSETTLEMENT?
When UNRWA was established, it was with the understanding that its functions would be to help resettle refugees in the vast open spaces of the Arab lands, such as the Negev or the Sinai Peninsula (two of the world's underpopulated countries).

Every effort at resettlement has been met with a block. Various items earmarked for this purpose—something in excess of $50 million, have gone unexpended, reverting to the general funds of the relief agency. Failure to use the funds for this purpose constitutes an almost unique record in any public budget.

There has been no time to time efforts were made to put more emphasis on resettlement. Egypt's official weekly magazine, The Arab Observer, attacked such plans as a "plot" to liquidate the refugee problem—thereby depriving President Nasser of one of the principal emotional arguments used in his campaign against Israel.

In actual fact, a considerable portion of the refugees in Jordan are at least partly employed—but local wage levels are so low that these refugees are considered "employed" in this context until he is earning an outside salary which is more than that earned by many of the local unemployed. A kind of international boondoggle has thus been established.

The lot of the refugees in the Gaza Strip has been very different. Until quite recently, there were no comparable opportunities for employment there, and the administration continued, Egypt, kept these people bottled up as if they were exhibits in a zoo, even denying them permission to travel to other territories where host governments were willing to receive them.

Still more disturbing is the evidence of illicit political purposes for which the refugees have been used.

When Ahmed Shukairy organized his guerrillas to invade Israeli territory under the banner of the Palestine Liberation Organization, he set out to train 12-14 thousand young men (mostly in the Gaza Strip), whose rates of payment were supplied by UNRWA. This amounted to using the money of the United States and other supporting nations for the purposes of training guerrillas to invade Israel. In fact, the result, Senator Edward Kennedy and others interposed, was to give UNRWA employers an almost unique record in any operation, with employees of the Jordan government itself. A substantial bureaucracy having a vested interest in propagandizing and indoctrination. The host governments consider that Arab employees of UNRWA are subject to local regulation, and all owe varying degrees of allegiance to the local authorities. This of course tends to increase the amount of political propagandizing that goes on in the camps. It also results in the establishment of a subculture in which having a vested interest in the perpetuation of the post-war situation, the postponement of effective resettlement steps.

With few exceptions, textbooks and other educational materials used in the camps, with the refugee children have been under control of the host countries, and are replete with anti-Israel and anti-Western propaganda, in spite of the fact that the original purpose of UNRWA itself. This is a point in respect to which several Commissioners have complained.

When the Israeli army occupied the West Bank, it found such examples as the following on page 3 of a 4th grade textbook used in Arab and Islamic schools:

"Jesus loves only Jews and they are treacherous liars."

The same type of theme was often repeated in examples used for elementary reading and spelling texts, and in making up problems for arithmetic. One book even devoted several pages to extracts from the notorious anti-Semitic forgery known as the Protocols of the Elders of Zion.

REFUGEE CAMPS VERSUS ARAB VILLAGES

Finally, the present program fails to take into consideration the logical question to do with the social and economic structure of the Arab countries themselves.

Some apologists constantly speak of the "poor refugee" who places the refugees in fact, in actual effect, better off than inhabitants in the surrounding Arab villages. In trying to estimate the relative status of refugees and the indigenous population, it is necessary not only to see the camps, but also the local villages. I did this during an extensive visit not long ago, and found that in most of the camps in Jordan sanitary conditions, health, educational facilities and living were better than those found in near-by villages. Such very obvious things as the number of radio sets in sight in the camps versus those in the camps, is more comfortable in the camps, at least compared with the slums in New York—but it was nevertheless superior to that in near-by villages.

To this the problem was not changed by the enforced resignation, in December, of Mr. Shukairy, whoseكيdly and whose resignation had made him unpopular with some Arab leaders. His successor, Yehia Hammouda, is a lawyer with long communist connections and a reputation as a rabid Jew-hater, under whom the Egyptians seem to feel that they may be more successful in uniting their dissident guerrilla groups.

UNRWA AND THE GUERRILLAS

Whatever the device invented to "separate" the funds used to support these guerrillas, the fact remains: A relief agency simply cannot support guerrillas by using money earmarked for training guerrillas whose purpose it is to upset the peace and create still more refugees.

A situation that has to be dealt with firmly and decisively before the future of UNRWA is determined.

The problems inherent in the present UNRWA set-up are further complicated by the fact that virtually all of the staff are nationals of the host countries, a circumstance that makes it very easy for use of the camps as places for political indoctrination.

At the start of 1967, 11,404 minor Arab refugees were enrolled in the day-to-day affairs of UNRWA operation, with only about 112 professionals on the international staff. Correspondents uniformly report that the Arab staff, on the lower levels, use their positions for the purpose of constant propagandizing and indoctrination.

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This is not to say that the refugees in Jordan are well off; they are not. But by comparison with their neighbors, they are not as badly off. And the reasons are simple enough—agrarian social and political tensions, and makes it more difficult to adjust the rolls so as to limit them to legitimate cases. Even the use of the word “camp” is a misnomer (except for the new crop of desiring desert traders who had dropped in the Middle East must be thought of as a major casus belli. For them, the only “solution” is to “return the refugees to Palestine” and end the existence of what they insist upon. The new term “refugee” is at best a sham and at worst a deliberate deceit.

UNRWA has brought a major item of foreign aid and it has brought about a whole, rather than just as a question of giving to one special group. A future UNRWA must be conceived and planned as part of an over-all economic policy for the entire area. It does little permanent good to provide relief for a limited group, when the entire countryside is in need of reconstruction—so to speak of a special group separated from the rest of the population, and sustained by international charity, merely to “limit” them to legitimate cases.

Some effective starts have been made in Jordan, by setting up rural cooperatives and similar enterprises, centered about the refugee settlements. The results have not been as extensive as they ought to be, nor have they met with the positive response that should have been, because they tend always to believe the “separateness” of the refugee population, and thus become involved in the entire nexus of political questions surrounding the subject.

The host countries, in fact, have profited greatly by the presence of UNRWA, which has brought a substantial item of foreign exchange into their area.

In addition, some host countries have managed to use UNRWA as a source for a fairly substantial amount of direct revenue. About a million-and-a-half dollars have been paid in taxes on UNRWA installations in Jordan, Syria and other states, in spite of the fact that property of the international agency was supposed to be tax-exempt so far as local governments are concerned. Customs duties have been collected on some portions of the material imported for the construction of refugee camps, and several disputes about how these railways have gone on ever since 1954. A reorganization of UNRWA must certainly eliminate these abuses. It is highly unlikely that the American taxpayer will be disposed to continue a relief operation from which Arab governments collect revenue.

It is worth noting at this point that Israel has issued orders that no taxes or customs duties shall be collected at any time, with respect to those UNRWA operations which are now located within territory that she administers.

PART OF AN OVERALL SETTLEMENT

By this time, it must be clear that a settlement of the refugee question must now be considered in the over-all settlement in the Middle East. This is obvious from the history of the subject, and it is now an integral part of American Middle East policy, as defined in President Johnson’s five basic points set forth last June.

There are at least 40 million persons in the world who are only partly settled in one place or another, since the beginning of World War II. It is a depressing commentary on present Middle East policies that out of all this vast number, only the million-and-a-third (if we count the original refugees and all their descendants and other additions to the total) in the Middle East have remained untouched by plans for permanent resettlement. The explanation is to be found, of course, in the fact that all the refugees of the Arab states themselves, who have steadfastly opposed all resettlement programs and who have used the refugee question as a major casus belli. For them, the only “solution” is to “return the refugees to Palestine” and end the existence of what they insist upon as a separate state of Israel. Indeed, even to this moment the official maps provided by the Arab Information Office, and even in the 1967 General Assembly resolutions, bear on the basis of what the United Nations termed the “Palestine” as “Arab territory” temporarily “occupied” by Israel.

During the period in which there have been accounts of changes of government in the Arab world, accompanied by complex and changing alliances, this is one of the few matters on which succeeding governments have been consistent—for the obvious reason that it provided a ready-made basis for emotional appeals under varying conditions of local crisis. Meanwhile, the refugees and the world at large have been the sufferers.

At the very beginning, in a declaration by the Egyptian Foreign Minister Mohammed el-Din, on Oct. 11, 1949, we were told: “In demanding the restoration of the refugees to Palestine, the Arabs intend that the return be a return ‘of the people to their land …’ More explicitly, they intend to annul the state of Israel.”

A decade later, as an official Cairo Propaganda Ministry broadcast put it, Sept. 1, 1960: “It is obvious that the return of one million and a half refugees constitutes a very serious matter, that it is of concern not only to the majority of Israel’s inhabitants. Then they will be able to impose their will on the Jews and expel them from Palestine.”

The same chimerical approach continued even in the 1967 General Assembly of the United Nations, and in December the spokesman for the Palestine Liberation Organization told the UN Political Committee that he would oppose any UNRWA policy which threatened “a liquidation of the Palestine problem.”

ESSENTIAL REFORMS IN UNRWA

This sort of thinking, of course, goes on forever. It is time to consider a permanent solution for the refugee question, along lines of economically viable resettlement—part of a general political approach. Meanwhile, certain obvious reforms must be undertaken within UNRWA itself. As a minimum:

A careful census of the refugees.

Establishment of a workable record system, including revision of the rolls to eliminate interlopers and dead people.

Elimination of war-breeding activities connected with the camps.

Control of educational affairs by the international agency.

Development and application of plans for permanent resettlement.

The new refugee problem arising in connection with the war of June, 1967, has resulted in moving some of the “old” refugees (volumes of thousands) to different locations, and in addition has created a smaller group of “new” cases. These are being dealt with by the refugees themselves, but they must continue to receive the attention that the world’s conscience requires they be given. Before the “new” group is ineffectively given the same degree of effort as the “old” group, that is, that we decide upon a policy for dealing with the whole question.

STEPS FOR THE FUTURE

The solution to the refugee problem, of course, lies in resettlement. This was made clearly pointed out by the late Secretary General of the United Nations, Dag Hammarskjold, back in 1960, who suggested the establishment of a UNRWA Rehabili­ nation and concluded that the refugees could ultimately be absorbed in the developing economy of the Near East. This is a liability, not an importation. The Arab delegations attacked the Hammarskjold report, because of its emphasis on resettlement—and the issue was again postponed.

The United States, as the principal contributor to UNRWA, has from time to time reached similar conclusions, but has been unable to act. The Senate Committee on Foreign Relations reported that “a permanent solution of the Arab refugee problem can only be found through resettlement.” Yet the Senate Committee has repeatedly expressed its deep concern over the lack of progress in this direction. Six years later, the Senate Committee on Foreign Relations reached a similar conclusion, following a study of the question—and there are dozens of other similar and equally intense questions to be noted. The tragedy is that although we knew what should be done, no effective steps were taken to put our knowledge into practice.

One result of the June, 1967, fighting has been that at long last many diplomats are convinced that the basic problems of the Middle East can be solved only through resettle­ ment—and the time has come.

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What is the kind of step which must be taken soon?

ISRAEL’S CONSTRUCTIVE PROPOSAL

At the same time, Israel’s Ambassador Michael Comay proposed that negotiations should be immediately launched between Israel and the Arab host countries, together with the main contributing nations to UNRWA, to arrange a five-year plan for the rehabilitation of those 500,000 or more permanent refugees, who are living in unhealthful conditions, in an attempt to bring about their permanent integration into the economic life of the region. Mr. Comay announced that Israeli experts have been working on details and technical proposals for this direction. He pointed out that Israel had neither the duty nor the capacity to solve these problems alone, but that she is prepared to participate fully in international and regional plans to deal with the issue within the framework of plans for permanent peace. He appealed to the Arab states for “pragmatic and humanitarian grounds” not to reject the Israeli proposal out of hand, and renewed past offers of Israel to participate in an international reintegration and compensation fund to finance the solution of the refugee question. “The time,” he concluded, “has come to move along the path to reconciliation.”

It is also time for translating official talks into definite plans. As a first step, we propose the establishment by the General Assembly of a high-level international committee of experts, to survey the entire question of Middle East refugees, including the parts played by UNRWA, with a view to getting the facts on which action can be based. As a parallel action for the United States, it is time that we, as the chief contributor, make clear that future support for UNRWA depends upon prompt and vigorous internal reforms in the direction outlined earlier in this article. We should also consider putting our pay-
I ask unanimous consent to have printed in the Record the article published in the Washington Post quoting Mr. Nixon's remarks.

The being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington (D.C.) Post, Feb. 7, 1968]

NIXON OFFERS LATIN PLAN
(By David E. Broder)

STEVENS POINT, Wis., February 6—"Before I came here today," Wisconsin State University student James Kellerman told Richard Nixon, "I thought you were a reactionary. But after listening to your opening statement, I conclude you either want a radical social change in the world or you are a liar."

It was the end of the question-answer session, following a short Nixon talk featuring the same "youth can remake the world" theme he had given last night to the Green Bay Jaycees. Kellerman made no effort to hide his skepticism.

There was a ripple from the 2900 students jamming the field house, but the questioners went on to challenge Nixon to detail his programs for Latin America. Mr. Nixon spoke without hesitation and without notes for almost six minutes in reply.

The ovation he received from the college audience was not what he would have wished for a consistently successful day of stumping across east-central Wisconsin in preparation for the April primary.

"Latin America needs radical social change," the former Vice President began, "What it does not need is what Fidel Castro has called 'Cuban-style revolution.'"

Then, citing suggestions from Walter Lippmann and President Fernando Belaunde Terry of Peru, Nixon outlined without hesitation what he called the "three key points for remaking Latin America."

First, he said, "the 200 million people living on the edges of that continent" should be given American aid in "building the great highway that will open the interior of that country."

"Let us be practical," he said. "With a half-billion dollars, we could do more to lift the standard of living for Latin Americans than in the last ten years. We could open up that heartland, unite those peoples and make the common market a reality."

The second needed "revolution," Nixon said, is in agriculture, to remedy the situation of "two countries, with as much arable land as California, which imports $300 million worth of food a year to feed a population of 7 million, or Peru, where 50 per cent of the produce spoils before it reaches the market."

"We need a revolution in education," Nixon said, "and a revolution in the way we look at these countries, with all their resources, as something we can remake in the image of America, in terms of our citizens of all ages to a more active participation and greater interest in public service."

"I don't know if that satisfies you," Nixon said to Kellerman. "The kind of revolution I'm talking about doesn't mean going in and buying up interests, but it means giving public recognition to outstanding contributions and work."

Many people, in thinking of the men who can offer the world's major governments a challenge, bear the heavy burdens of government, are accustomed to think in terms of gray-haired mature men. And more often than not, they are right. The average age of the heads of the world's major governments last year was 64½ years.

The accomplishments in their thirties and forties of such men as Benjamin Franklin, Oliver Wendell Holmes, Bernard Baruch, Charles Evans Hughes, Henry L. Stimson, John Marshall, Talleyrand, Disraeli, Voltaire, Michaelangelo, Winston Churchill and many others are well known.

But consider, too, these facts: Thomas Jefferson wrote the Declaration of Independence when he was 33, Alexander Graham Bell invented the telephone when he was 29, William Cullen Bryant wrote Thanatopsis before he was 20, Franklin D. Roosevelt became assistant secretary of the Navy when he was 31, Cyrus H. McCormick built his reaper when he was 22, George Westinghouse patented the airbrake when he was 23, Alexander Hamilton composed his best known articles on the rights of the American colonies when he was 20, Galileo, Sir Isaac Newton, Charles Darwin, Benjamin Franklin, Thomas Jefferson, George Washington, Thomas A. Edison, Eli Whitney, Leonardo da Vinci, Raphael, Franz Schubert, Mozart, Lord Byron, Shelley, Keats—all of these men won fame in their twenties, and the list could go on.

William Pitts became prime minister of England at 25. Napoleon won his greatest victories when he was only 30. Napoleon Bonaparte became president of France when he was only 27. And Jesus of Nazareth finished His ministry on earth at 33.

America needs "for the last third of the century"...
has something to offer. While the positions of greatest trust and responsibility have perhaps most often gone to men of maturity and wide experience, young men have always had, and are increasingly being given, the opportunity to achieve and to succeed.

The best of Mr. Morse's challenges, to become a truly great society, I think, is one in which an effective and realistic balance can be achieved between youth and age.

The talents of both young and old are needed. Indeed, it will take the best talent that we can muster from all our citizens of any age to meet America's challenges and to solve its problems—and, yes, to take advantage of its opportunities—in this time of change, upheaval, and conflict.

I stress the words "opportunities," for never have there been as many opportunities for service and for real achievement as there are today. The only problem is to find it. It is summed up in the word change.

The United States, and the world, are going through a period of enormous change on almost every front. It is a time for physical change and of moral change, and a time of a change in attitudes as well.

On the technological front, the tide of change, of progress, has been so swift that for every problem solved by a spectacular new breakthrough, a new problem has been created, and the challenges and opportunities they pose have been presented.

For example, the world's scientific and technical genius has produced nuclear weapons. But not only do we dare not use them; no one has yet been able to devise a feasible safe technique for dealing with the new problems they create.

Highway engineers build more freeways to relieve traffic congestion—but the freeways themselves spawn more congestion.

Aircraft makers design and build ever bigger and faster commercial planes—and lack the airports to fly them from.

Medical men have learned to transplant the human heart and prolong human life—and in their rush to answer the medical questions to which no one yet has the answers.

The courts and the Executive agencies seek to solve the problem of racial inequality by forcing integration—and create intransigent new problems instead, all in the name of social progress.

Mechanization doubles and triples farm production—and displaced workers swarm into the cities to create new slums.

The gap between poverty and affluence grows wider, and the slums spread—even as the government implements old urban programs and abandons new ones.

And nowhere are the problems which have accompanied change more painfully and distressingly than in the field of crime, rapidly becoming our No. 1 national concern—crime.

Anti-crime legislation is now before the Congress; but I have some doubts as to how effective it can be in actually reducing crime, for the roots of America's crime problem lie in the home, not in the street.

The upsurge in crime and violence—more of it committed by young people than by old—traces directly, I think, to a number of the factors that plague our modern life. All are related to moral and ethical change.

We are paying the price for the permissiveness that has eaten away at the moral fiber of the nation since World War II. Too many of our homes and too many of our churches and too many of our schools and too many of our courts are no longer the bastions of the strong moral code, the strong sense of duty and responsibility, the strong belief in right and justice and swift punishment for wrongdoing, the strong standards of behavior that made America the great nation that it is.

We are paying the price of moral deterioration.

The society that has the best chance to become a truly great society, I think, is one in which an effective and realistic balance can be achieved between youth and age.

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There is so much that needs doing, and too few people willing to do it. The problems of population, affluence, and the growing pressures of nuclear weapons have become so pervasive and so complex that all of the talent and brainpower of young and old must be brought to bear if the human race is to keep itsrendezvous with destiny.

In an earlier era, muscle-power was needed to clear the wilderness, plant the crops, and build the roads. That era has largely passed.

Machines do much of our work, even some of what was once the work of a man's mind. But no machine, no computer can supply the moral fiber that has eaten away at the moral fiber of the nation since World War II. Too many of our homes and too many of our churches and too many of our schools and too many of our courts are no longer the bastions of the strong moral code, the strong sense of duty and responsibility, the strong belief in right and justice and swift punishment for wrongdoing, the strong standards of behavior that made America the great nation that it is.

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Mr. President, I ask unanimous consent that these two perceptive newspaper articles be printed in the Record.

The request, without objection, was ordered to be printed in the Record, as follows:

[From the Oregonian, Feb. 27, 1968]

**BETTER "TEARS OF BLOOD" FLOW IN RAVAGED CAPITAL; "LITTLE PEOPLE" OF SAIGON BAT FURIOUS DEFENDING WAR'S SAVAGE HOSTILITY**

(By Mark Gayn)

SAIGON.—In Cholon, where more people slept it off in huts than in Saigon, a half-naked boy of about 4 sits on the hot pavement and plays with his new toys—half a dozen spent cartridges picked up in the street.

Twenty feet from him a weeping woman is loading her possessions in a pedicab. Twenty feet to the other side a file of heavily armed South Vietnamese Rangers is edging close to a fiercely burning cluster of two-story shacks.

A few Viet Cong snipers are thought to be inside and now they are being smoked—or rather burned—out so they can be killed in their holes. Every war in recent memory has its propaganda apparatus; there are only very frightened little people trying to survive this terrible time.

The Americans, too, misread the people's temper. The whole vast propaganda apparatus here turns out statements reassuring, claiming victories, pledging a continued fight. But it is hard to be reassured by men whom one Vietnamese editor calls "innocent villains"—these strangers: in jungle boots and flak vests.

The ravaged city—like the whole ravaged land—weepes tears of blood. It has no love for the Viet Cong, the Americans or the government. The people can see no chance to rebuild lives and homes. But of peace there is no real thought here, or in Saigon.

The mavericks who speak of it are hauled away as subversives, and those who cry for reprieve cry in vain.

[From the Washington (D.C.) Evening Star]

**GROWING DEVASTATION OF VIETNAM**

One of the oldest and laments Washington war jokes is that the U.S. can identify with Cholon, because it seems like Saigon: All it has to do is destroy the country and most of the people in it. It is no longer a joke.

In the wake of the recent fighting, it is gradually becoming clear that the heaviest losses have not been suffered by the Viet Cong or our forces, but by a multitude of civilians—the countless thousands of innocent men, women, and children who were killed, wounded or made homeless because U.S. tanks, bombers, and artillery bombarded cities and towns in an effort to dislodge the enemy.

The testing of civilian casualties is not yet known, for it is still mounting. But the new refugee count is 345,000, and probably will reach 750,000 to 1,000,000 over a total population of around 15,000,000. Some observers think the real refugee total is over 4,000,000.

Considering the statistics of the last two or three years, there is no reason to think that, as the war escalates, the entire population cannot be wiped out or converted into refugees in a few more years, or possibly sooner if the war-stimulated plague with chemical warfare permanently ruins the soil.

Some Americans may shrink from the policy of rooting out the Viet Cong at any cost, but as a U.S. major and about Ben Tre, the capital of Kien Hoa province, "it became clear that it is easier to root out the chemical warfare permanently ruins the soil."

Blessed are the few who escape the madness of war, the Vietnamese command wants to make it suffer. Or is it punishment for having let itself become the base of the Viet Cong for 10 bloody days.

This city has long been sick with all the ailments of a capital at war. The Viet Cong first snatched it from the French.

The bars on Tu Do Street stand deserted, with the disconsolate girls sitting alone in warm semi-darkness. For the moment, in a city in which virtually everyone seems to be for sale, there are few buyers.

But after the Viet Cong, the war grew, and the town, leaving 14,000 homeless and 2,000 dead and wounded. It was "militarily justifiable," a Senator, and "it could have been a lot worse."

Viet Cong invaders hid in the residential section of Saigon that week. They destroyed 30,000, but they were blasted out by U.S. bombing which, in the process, destroyed the homes of half the population. It was a picture story in Can Tho. In the imperial city of Hue, the New York Times reported, the U.S. artillery "blasted away at houses and mortar walls and reduced houses to rubble in this city of 145,000." A Marine major said, "It's the only way to get them, unless you want to risk losing half a platoon to their mines out here."

The United States, according to Senator Robert F. Kennedy, has "dropped twelve million bombs on southern Viet Nam and South Vietnam. Whole provinces have been substantially destroyed." Civilian casualties are estimated at twice the total for U.S. forces.

Noting the swelling board of helpless refugees, Senator Kennedy said, "Imagine the impact in our own country if an equivalent number—over 25 million—were wandering homeless or interned in camps, and millions of men, women and children being created in New York and Chicago. Whole families and nations were being destroyed by war raging in their streets."

"If we continue down the road we are going," says Governor Romney, "that is going to be a land of desolation." And Senator Mike Mansfield adds, "it is not an American function to insure that any political structure shall be enshrined over the smoldering ruins of a devastated Vietnam."

Messes. Mansfield, Romney, and Kennedy do not seem to understand that it is better to lead than to rule, and that in killing the civilians we are saving them from a fate worse than death. Let us hope they will be grateful.

**FEDERAL WATER RESOURCES LEGISLATION**

Mr. MOSS. Mr. President, each year the American Waterworks Association Water Supply and Pollution Control Commission brings several hundred water supply and waste-water treatment people from all 50 States to Washington to acquaint them with the Federal programs and people having to do directly with local responsibilities and activities of the members of these two associations.

The people whom the two professional organizations bring to Washington are municipal leaders, the utility managers, and city and county officials concerned with water supply and pollution control. They have a 1-day seminar with Members of Congress, key committee staff specialists in the water field, and representatives of the Administration directing the programs which Congress has authorized.

It was my pleasure to speak at the 1968 seminar as a substitute for Senator Moos and as chairman of the Senate subcommittee on Air and Water Pollution of the Senate Committee on Public Works. It was an honor to be called upon to fill the shoes of the able Senator ...
from Maine. It was also an honor for another reason because the spokesman for the other body on the program was the esteemed and able chairman of the Committee on Interior and Insular Affairs of the Fourth District of Colorado, the Honorable Wayne A. Aspinall.

Since a major purpose of the seminar is to acquaint the operating heads of the water utilities with the provisions of legislation before the Congress, and to help them understand the background and policy objectives of the major pieces of legislation, it was logical that the keynote speaker was the professional in the water resources field to whom Congress turns for scholarship and expertise.

I believe that all Members of the Senate will find that the remarks of Theodore M. Schad, Deputy Director of the Legislative Reference Service of the Library of Congress on that occasion as useful and worthwhile as those attending the seminar evidently did. I have spent some time reviewing the report relating to the Senate in 1959 studying water resources development and related legislation, and I have found Mr. Schad's background of legislation in the water resources field valuable and interesting. He discussed a topic but was subsequently prevailed upon to put his review in writing.


There being no objection, the paper was ordered to be printed in the Record, as follows:

A REVIEW OF THE BASIS FOR FEDERAL WATER RESOURCES LEGISLATION

(A paper delivered at the Water Supply and Waterways Seminar, American Waterworks Association, Water Pollution Control Federation, American Public Health Association, and National Waterways Association, February 27, 1968)

You are gathered here today in the exercise of what I consider to be one of the most basic and important responsibilities of American citizens—that is to become informed on the issues of the day so as to improve your ability to present your views on legislative matters to your elected representatives in Congress. In my view, this is an extremely important responsibility. If we, as profession people, are further removed from state and local government. With its immediate financial resources the Federal government is limited to taking only an active role in those states unable to raise their share of the funds, and in order to answer the question of what is the basis for Federal water resources legislation, the important need for those states unable to raise their share of the funds, and in order to answer the question of what is the basis for Federal water resources legislation, the important need for navigation under the commerce clause of the Constitution. The commerce clause which requires the exercise of Federal authority over interstate commerce. For this reason, the commerce clause as an exercise of Federal regulatory authority over interstate commerce. The first Federal drinking water standards were adopted under the public health legislation in 1914, and such regulations necessitate the provision of water used on or delivered to interstate railroad trains.

Basic functions of water supply and sanitation, however, were left to the states and localities. Major cities took over earlier privately developed water supply facilities and evolved the water supply systems which are presently one of the modern wonders of the world. When relationship of improper sanitation to the economic system in the early 1930's, cities and states were hard pressed to meet their needs for public works of all kinds. Thus Federal government in the water supply and sewage systems. Although this work was held by the Supreme Court under the general trade laws. Another broad basic authority for Federal participation in water resources is in the water resources field. For this achievement, the United States was leading producer of hydropower in the United States. Although this work was originally undertaken under the authority of the law of the 100th Meridian, however, the arid climate prevented successful homesteading without the construction of major water supply works. After numerous attempts at settlement of the west were unsuccessful, the reclamation program for irrigation of the arid West was established in 1902. Federal regulatory authority over interstate commerce. The first Federal drinking water standards were adopted under the public health legislation in 1914, and such regulations necessitate the provision of water used on or delivered to interstate railroad trains.

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the property clause, Supreme Court decisions had recognized the proper federal role in water resources projects through enactment of the Water Supply Act of July 3, 1958.

In the 1961 amendments to the Water Pollution Act, initial authorization for storage for low-flow augmentation was provided, with safeguards to prevent its use as a means of altering stream flows, which had made the river conservation grants to states for construction of storage needed facilities. The demand for the construction grant program was doubled over a three year period, and the program and research authorizations were increased by 50 percent. The act also provided seven regional water pollution control laboratories. Later, two water quality laboratories were created, and the act was amended to encourage the states to develop comprehensive planning for water resources development for all purposes to be carried out by local agencies. This act authorized major Federal programs for pollution abatement in interstate waters which were encompassed under the previous Acts. Under various Supreme Court decisions defining navigable waters, this vastly increased the authority of the United States to take action against pollutors. The 1961 Amendments also eliminated the requirement for securing written consent of one of the States involved prior to bringing suit in behalf of the United States for abatement of pollution where such consent could not be obtained. The act also extended authority for persons in a State other than that in which the pollution originates.

Recent legislative activity in the field of water pollution abatement has accelerated. In the fall of 1965, after several years of intensive consideration, by both the Senate and the House, the Federal Water Pollution Control Act Amendments of 1965 were enacted. This act strengthened the Federal programs by creating a new agency, the Federal Water Pollution Control Administration, to administer the program under the Secretary of Health, Education, and Welfare. The statement of purpose in the new act was broadened to include a recognition of the need for improvement of the quality and value of the nation’s water resources, and a new research and demonstration program was authorized to be used in the development of methods of controlling pollution. In the next Congress the program was doubled again and the total authorization was increased by 50 percent to $500 million annually for fiscal years 1966 and 1967.

The most controversial portion of the 1965 Water Quality Act pertained to the establishment of national standards by the President which would be authorized to the Secretary of Health, Education, and Welfare. The act also provided that the President might establish national standards for Federal water pollution control programs. The standards, if approved by the States, would become the basis for those required under the Federal programs by the States under the Act. The 1965 Amendments also authorized the Secretary of Health, Education, and Welfare to set aside funds to aid the States in the establishment of water quality control programs on an equal basis with the funds available from the Federal government.

Before the deadline for the submission of state plans for water quality control programs, the Secretary of Health, Education, and Welfare issued the guidelines for the formulation of water quality standards and now is responsible for administering those standards. With an added emphasis on the need for funds to assist the smaller municipalities in construction of needed facilities, the demand for the larger construction grants that have been authorized on the objections of the administration then in office, which sought unsuccessfully to have the construction grant program terminated, was increased. The Secretary of Commerce was authorized with a recommendation made by the Advisory Commission on Intergovernmental Affairs.

President Kennedy had achieved an act to set aside Federal trust funds for Federal reservoirs under the Flood Control Act of 1938. This work, as well as similar work under the Federal Reclamation Project Act, had achieved some limited success, and brought about such competitive actions by the Federal agencies involved that the Congress established uniform standards for Federal trust funds for Federal projects through enactment of the Water Supply Act of July 3, 1958.

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the House, and Agriculture and Forestry in the Senate. When legislation on these subjects is ordered to be printed, the Appropriations Committee on Foreign Affairs and Foreign Relations takes jurisdiction.

Proposals are made to grant rapid tax amortization or an investment credit for pollution abatement works bring the Committees on Ways and Means in the House and Finance in the Senate. Gov ernment Operations Committees in both Houses deal with Federal organization and reorganization of the natural resources agencies and are concerned with how the programs are carried out. Some of the important reports on the water resources field are hence from the Subcommittee on Natural Resources and Power of the House Committee on Government Operations.

Help to the cities through housing legislation has provided loans and grants for planning and construction of water supply and sewerage facilities. This legislation comes under the Committees on Banking and Currency of both houses.

From time to time, the Judiciary Committees also consider legislation having a bearing on water resources. This comes about when there is a claim against the United States, or when proposals are made for special administrative arrangements in connection with water resources activities.

Other committees that were involved during the war in Vietnam were those on Services and Science and Astronautics in the House and Labor and Public Welfare in the Senate.

Last, but not least, the Appropriations Committees determine the rate at which authorized programs are carried out through provision in the annual appropriation acts. The task of the Appropriations Committees is so great that it is necessary to divide the work among numerous subcommittees, thereby enabling greater control of the responsibility for Federal programs involving water resources.

From this brief run-down on the Congressional Committee structure you can see that the task of the water supply and water pollution control professional organizations is not an easy one if they hope to exert an effective influence on the Federal legislation in the water resources field. It is a major task even to keep track of the myriad bills that are introduced into each Congress, to say nothing of knowing which ones are of significance and how the Federal agencies are handling the programs that are now under way.

The subjects that will be discussed during the rest of the day will give you a good start, but only a start. Long hours of intensive study will be required to prepare for the exercise of a significant role in the legislative process. Of key importance is the development of a relationship with your own Representatives and Senators in Congress. Through them, arrangements can be made for citations before the Committees involved with water resources legislation.

This overall review of the basis for Federal water resources legislation leaves many questions unanswered. Of particular importance to you, it would seem, is the relation of Federal, State, and local efforts in this field.

Almost without exception, the preamble of all major water resources legislation has expressed the responsibility of the Congress to authorize and preserve the rights of the states in the utilization and control of their water resources. Many of the actions that have been taken are those that have engendered fears that the Federal legislation is in fact derogating the role of the states to such an extent that they will soon find themselves with no role in the management of their waters.

Our municipalities are hard pressed to deal with their many problems, and are looking for Federal support in order to help them get by. Can this assistance be accepted from the Federal government without surrendering the ability of the cities to deal with the problems in their own way?

Some of the questions that need answering might be stated as follows: What are the advantages and disadvantages of Federal water resources programs? Why have the programs evolved in the way that they have, with an ever-increasing Federal role? What is the best way to pay for what must be done in the water resources field?

These are not easy questions to answer. Many of the major Federal committees concerned with water resources programs are being influenced by "small groups of highly organized and highly vocal minorities." Is this in fact a proper charge? What should the professional organizations in the water supply and pollution control fields do about it? Gentlemen, I invite your consideration of these matters.

THE WAR IN VIETNAM

Mr. MORSE. Mr. President, I ask unanimous consent to have two items relative to the Vietnam war printed in the Record: One is the bishops' statement on Vietnam, issued by the Council of Bishops of the Methodist Church and the Board of Bishops of the Evangelical United Brethren Church, November 18, 1967; the second is a sermon entitled: "Christmas, War, and Christian Conscience," preached by Rev. Laurence Byers, at the Westminster Presbyterian Church, Portland, Ore., on December 10, 1967.

There being no objection, the items were ordered to be printed in the Record, as follows:

BISHOPS' STATEMENT ON VIETNAM


We commend the President of the United States of America for continuing to call for negotiations in the Vietnam war and for his vigorous effort to bring about a cease-fire. For to us a child is born, to us a son is given . . . and his name will be called . . . the Prince of Peace." (Isaiah 9:6.)

Then in the city of David a young furious rage . . . killed all the male children in Bethlehem and in all that region who were two years old or under . . ." (Matthew 2:16.)

The first New Testament Christmas had a mood of oppression and tyranny in it, and the words of the prophet Isaiah announcing the birth of the Messiah were: "Fear not, for behold, your God . . ." battle tumult and garments rolled in blood." As it is in our modern world, so it was in the ancient world. Few were rich and contented, and the many were poor. Few lived long and the many died young. A few had too much to eat while the majority were hungry. The poor were trapped and the powerful exploited. It was then; it is still true now.

Thus, the conditions surrounding the birth of Jesus on that first Christmas were not like a maternity ward in a modern hospital, but more like a backyard slum in Detroit or Watts or Harlem. Joseph and Mary had travelled at their own expense and inconvenience in response to Caesar's government decree to help complete the Empire's census statistics, in the last few days of Mary's pregnancy. If they had not made that journey, the ditch between Nazareth and Bethlehem, Imperial Rome would not have greatly cared.

Furthermore, it turned out that a child was born whom strangers described as "the King of the Jews" Herod viewed the information as a threat to his own position. Herod immediately ordered to be butchered all the infant male babies under two years of age. Those soldiers had orders from their superiors and were bound to obey. To Herod, to disobey those orders would have meant a military court martial, torture, and a soldier's imminent death. So the soldiers simply did their job of killing, as soldiers have always done. Even though Bethlehem was a small village with perhaps few babies, the blood of ten thousand ran red in those village streets. The muffled sobs of broken families

1 For details on this subject, see the February 21 issue of The Congressional Record, page 3718.
sounded like the moans of grief in Vietnam, or in our military hospitals, or across the living rooms of the United States where families must face Christmas with the news of a soldier son killed in war.

But there was a difference in the terror of them and now. Soldiers had to face their victims at close range. Today they can aim at a woman, a man, and children as civilians by pushing a button, releasing a lever, dropping a fire bomb, trigger­g­ing a shell that is time­lagged, or death rendered by mechanical means from afar has the effect of making murder less reprehensible. Yet, what is the difference between throwing a bomb into a house and throwing fire upon a baby? We would not think of throwing a baby into a fire. But put the enemy troopers is the order to destroy the village factories, rice paddy dikes, farmland, even civilians must try to protect themselves.

In the New York Times. There are now all our bombing is of bridges, roadways, rail­

But Pauline Mass went to visit her six foster orphan children in Vietnam and found that two of them no longer had faces. The small boys who slept down in their diapers, head like a sheet, and then congealed onto the chest—you couldn’t see a neck. Neither brother had eyes left—just two little holes. And the mouth, another hole. They had to be fed by tube" (Interchurch News, August-September 1967, page 6). Pauline Mass went to visit her six foster orphan children in Vietnam and found that two of them no longer had faces. The small boys who slept down in their diapers, head like a sheet, and then congealed onto the chest—you couldn’t see a neck. Neither brother had eyes left—just two little holes. And the mouth, another hole. They had to be fed by tube" (Interchurch News, August-September 1967, page 6).

"What is the cost to us of such bombing and warfare? The cost must first be measured in human lives lost—both American and Vietnamese. Then we must measure the cost in the people maligned and crippled. Did you ever see a picture of a Vietnamese woman, with both arms mutilated? The caption read: “I can hold neither a dove nor a hawk in my hands.” Another photograph shows an American soldier, a meek and benighted one, with his infant son, and the son clings to one of two hooks fitted to his father’s two artificial arms.

Then the cost must be measured in the nervous disorders, the neuroses, the mental illnesses, the paralyses, the scar tissue, and the long-term effects of the horrors hopelessly maligned. Finally, the cost must be measured in dollars spent for destruction that produces no development. We spend about 30 billion a year to feed and outfit a military tapeworm that keeps growing larger, while Negro Americans starve in Mississippi, and our great metropolitan areas are increasingly tortured by poverty, riots, decaying homes and school systems, and must struggle with floundering welfare programs.

In the face of such appalling conditions, it is not really surprising that so many soldiers in Vietnam wish they were not there, while so many students here say loudly and clearly they will not go there. They will go to jail instead, but would prefer a constructive humanitarian, honest and peaceful role.

"DEAR MOM AND DAD: Today we went on a mission and I’m not very proud of myself, we burned down a house in insignia. It contained many civilians, including a very poor. My unit burned and plundered their meager possessions ... The huts are here that are the remnants. Each one has a dented mud bunker inside ... to protect the families. Kind of like a air raid shelters. My unit Commanders, however, chose to think that the Vietnamese hatred was such that we find that has a bunker, we are ordered to burn to the ground.

We could have flown the helicopters landed this morning in the midst of these huts, and six men jumped out of each “chopper,” we were firing from the moment we hit the ground. We could have flown the helicopters landed this morning in the midst of these huts, and six men jumped out of each “chopper,” we were firing from the moment we hit the ground.

"As we walked through the meadow like here. Does this give you an idea? "YOUR SON".

Note: A letter does not say that the commander ordered the soldier to kill mothers, children, and babies, but it does say that these were killed in their own homes because that was the case the killing was the result of both carelessness and fear. If not intent, I am saying, then, with this letter as substantiating evidence, that our soldiers, to do their job, are forced in haste and danger, often against their own wills, to use the tactics of the enemy Viet Cong whom we insist are terrorists.

Third, this with candor: Our foreign policy is strangely inconsistent. It was first argued by administration spokesmen that we could not afford to have a military advisor to Vietnam. But after further escalation our involvement was said to be for the establishment of a democratic government in the South of Vietnam. Again we expanded our fighting machine further and now find ourselves there with half a million men fighting to support the Ky regime that offers the people no basic democratic freedom. Meanwhile, many ob­servers have said that eighty percent of the Vietnamese favor the government of Ho Chi Minh.

After the explosion, we found the mother, two children ages about six and twelve, boy and girl, and an almost newborn baby. That is what the old man was trying to tell us.

"The three of us dragged out the bodies one after the other from the hut. The children’s fragile bodies were torn apart, literally mutilated. We looked at each other and burned the hut.

OLD MAN: "I am just whimpering in despair outside the burning hut. We walked away and left him there. My last look was: three children’s clothes outside the burning hut, praying to Buddha. His white hair was blowing in the wind and tears were rolling down.

"Did you ever want to know what it’s like here. Does this give you an idea? 

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Some would reply: to create a rift between Yugoslavia, Cuba, and the Soviet Union? Logic should we not have loaned a billion dollars to Ho Chi Minh to create a greater rift between Vietnam and China which for centuries have been dreaded enemies of each other?

And what about stamping out Communism in Austria and Hungary and Indonesia and Italy? And centuries have been widening between China and Russia is now being narrowed again because we are forcing the two together by our presence in Vietnam. Yet the borders of Kashmir and the take-over in Kashmir by India and Pakistan in 1947, and the Chinese aiming at Tibet, the Chinese aims, and Mao is a militant Marxist Communist. But are we trying to provoke him into a fight? Many wonder. Yet who is the mightiest power on earth. Yet Communist China?

Ira Brown wrote his views in Look. Charles West (whose position, I think, is better balanced in his writings in Harper's Newweek. Atlantic Monthly—all typically middle-class "establishment" public have featured sharp and differing criticisms of our present position in Vietnam. To these voices are added the dissent of Senators Morse, Hatfield, Kennedy, McCarthy, and others, as well as a number of Chinese and many who speak in opposition to our presence in Vietnam.

If it is evident that some time should be given here to those who oppose these voices, I would reply that these are the minority voices today. The administration has the more powerful voice in our mediums of communication. But add up further the statements of the National and World Council of Churches, our General Assembly's "Declaration of Conscience" read from this pulpit and last summer, and consider the messages of the Pope and Vatican II concerning peace. In all these ways let us who do not suggest alternatives to our present policies for the administration to explore. When all these voices are not listened to, the conflicting voices in every university and church across this nation, it is apparent that no single issue has ever so thoroughly divided this nation as the war in Vietnam. Ira Brown wrote his views in Look. Charles West (whose position, I think, is better balanced in his writings in Harper's Newweek. Atlantic Monthly—all typically middle-class "establishment" public have featured sharp and differing criticisms of our present position in Vietnam. To these voices are added the dissent of Senators Morse, Hatfield, Kennedy, McCarthy, and others, as well as a number of Chinese and many who speak in opposition to our presence in Vietnam.

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I am most impressed by General Eaker's candid evaluation and recommend it to the Senate.

Before proceeding, the article was ordered to be printed in the Record, as follows:

**REDS MAKE USE OF DOVES' TALK**

(By Lt. Gen. Ira C. Eaker, USAF, retired)

The campaign in the United States to bring us into our foreign war in Vietnam, abandon Southeast Asia to the Communists, has taken a furious turn. The advocates of that policy, saying that Vietnam's war and, after all, the South Vietnamese are not worth the effort, their people are unconcerned and apathetic, their leaders are corrupt and inefficient, their government has not accomplished the needed social reforms. We were in Vietnam for a few weeks late last year: I saw no evidence to support these charges. What is much more significant, not one of the U.S. military or civilian leaders on duty there held any such notions.

The tragedy is that this campaign to discredit our allies can do irreparable harm to our cause. Now, after years in which we were engaged in a joint enterprise with the South Vietnamese, I never saw any partnership prosper when one of the partners broke and willy the other.

One Southeast Asian, a civilian government official educated at Oxford, said to me, "What the United States has done is harmfully and unfairly criticizing our people, our leaders and our government, we hear it on Hanoi radio the next night. Some of your leaders are, unwittingly, providing the Reds with much of their most effective propaganda."

What would have been the effect here in 1776 if Lafayette, Rochambeau and Kosciuszko—Europeans who came to help us win our freedom—had called Washington and our American leaders and insisted on the Red-coats?

A middle-class South Vietnamese civilian educated in the United States had this to say: "We often read a remark from some of your politicians saying that President Thieu and Vice President Ky were elected by only 37% of our voters, leaving the obvious assumption that they were an unpopular choice. Your President Kennedy, I understand was elected by less than 28% of your votes, and we know that elections do not necessarily mean a vote to the polls, and only slightly more than half of them voted for Kennedy, Right?"

It is now being said subtly that the Viet Cong is not Communist, and perhaps that the South Vietnamese government cannot keep the peace, even with our help. Let's examine the validity and fairness of that. In South Vietnam, 14 million people have not been able to prevent crimes by some 50,000 Viet Cong and 90,000 armed intruders from the North.

More recently, we have come to recognize substantial quantities of shellfish, with aesthetic enjoyment is in the best tradition. The preservation of nature's heritage, which is now on record in opposition to American business opportunities and markets at a time when increasing exports is crucial to our balance of payments.

We are denying trade opportunities to Eastern European nations which could assist them to break away from monolithic economic control by Russia. We are denying chances for Eastern European leaders to assert nationalistic preferences. We are denying chances to encourage American business opportunities and markets at a time when increasing exports is crucial to our balance of payments.

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"Our "blow" at communism only makes us appear silly in the eyes of Europeans. I ask—how can any nation which has been built by the strength of its economic system, work blinders when it has an opportunity to build economic ties throughout the world? An uneasy world can only benefit from peaceful and stabilized relations. I deplore any action by Congress which makes our "blow" at communism only makes us appear silly in the eyes of Europeans. I ask—how can any nation which has been built by the strength of its economic system, work blinders when it has an opportunity to build economic ties throughout the world? An uneasy world can only benefit from peaceful and stabilized relations. I deplore any action by Congress which makes our efforts to break away from monolithic economic control by Russia, we are denying chances for Eastern European leaders to assert nationalistic preferences. We are denying chances to encourage American business opportunities and markets at a time when increasing exports is crucial to our balance of payments.

What have we really done by voting against East-West trade? While we are pitting ourselves on the back for striking a blow at communism, we have actually helped the Stalinist-type elements in Communist nations who are opposed to any contact with the West, preferring instead to intensify the cold war. Our "blow" at communism denies American business opportunities and markets at a time when increasing exports is crucial to our balance of payments.

I think it is significant that all the homeless, harried refugees from the recent battles, none has gone North to Hanoi or fled to the South for sanctuary.

Instead, all have sought the protection of South Vietnamese or U.S. forces.

Those who suggest that the Viet Cong be accepted as a legitimate government of Vietnam are unaware of the overwhelming evidence to the contrary, that the Viet Cong is Communists. Putting them in the government would be compromising the rights of non-communist Vietnamese, including criminals representation on all our city police forces or granting seats in Congress to the Viet Cong.

Middle-class, educated, professional men and women in Southeast Asia believe that it is impossible for an independent government of Vietnam, with a new constitution and a recently-elected president, to achieve social reforms which we have only
continental Shelf, the ocean deeps, and the inland seas formed by the Great Lakes. Enactment of Public Law 89-354 was an expression of this philosophy at its best. It looks to preservation of marine resources for constructive use by mankind.

I am pleased that the President’s message underscores the promise of the sea, the inland seas, and the oceans and the determination by the Federal Government to intensify its efforts to study and to utilize the sea. This is particularly significant for the State of Maine.

The President’s statement in the message of the National Sea Grant College and Program Act as a “new partnership between the Federal Government and the Nation’s universities which will prepare men and women for careers in the Marine Sciences.” Skilled talented manpower is essential to progress in our future study and use of the sea. The President’s recommendation of $6 million for the Marine Sciences Act for fiscal year 1969 is a modest program for continuation of new university activities being begun in fiscal year 1969. This investment supports our institutions of higher education, opens fresh opportunities for new research and development for realizing the great potential benefits from the sea. We should be doing far more than this, if the demands of our military commitments were not so overwhelming.

I congratulate the President on his vision and his initiative. The deep ocean is the final geographic frontier for exploration on our planet. He sounds a challenging and an urgent call when he announces our intent to seek with other nations to launch an international decade of ocean exploration for the 1970’s. He rightly characterizes this as a “historic and unprecedented adventure.” The long-range benefits from tapping the ocean’s resources—in magnitudes not now known—are reason enough for a partnership among all the nations bordering the oceans to initiate their exploration. A decade of ocean exploration is not limited to national advantages. It is above all a spiritual challenge to modern man to explore fully his environment. The self-discipline to master the environment without despoiling it; to preserve and even occasionally to enhance nature for her joint occupancy—that is the moral imperative before us.

AFL-CIO STATEMENT ON EDUCATION

Mr. MORSE. Mr. President, at its recent convention at Bal Harbour, Fla., the executive council of the AFL-CIO issued a forward-looking statement on education. I ask unanimous consent that it be printed in the Record.

There being no objection, the statement was so ordered to be printed in the Record, as follows:

STATEMENT BY THE AFL-CIO EXECUTIVE COUNCIL ON EDUCATION, BAL HARBOUR, FLA., FEBRUARY 30, 1968

Pew important developments of the Kennedy and Johnson Administrations have been as important or long lasting in their effect as the broad range of educational legislation enacted by the Congress. The entire span of educational services from pre-school programs to college programs have been strengthened by the federal government’s new commitment to share in the determination by the Federal Government of marine resources for constructive use by mankind.

In many regards, however, the AFL-CIO was a curiously divided on President's proposals. We urge Congress to take the message as the starting point for a legislation program rather than as the outer limits of one.

Particularly in the field of higher education there is need for going far beyond the Administration recommendations. The proposed cut of more than $500 million in funds for construction of new facilities for higher education will mean that thousands of young people who sincerely wish to acquire an education will be denied it by simple lack of space. Student aid programs will be of little help if there is no room for the students in the nation's colleges and universities. The AFL-CIO believes that the proposed cuts in construction funds should be restored in addition to an increased aid plan.

The Administration proposed to increase available student loans through the method of subsidized and guaranteed private loans. But the opportunity costs of the far results have not been promising. Banks have been reluctant to lend money at reasonable rates to encourage students to apply for loans. The Administration's proposals to make the loans more attractive by giving the lender a service fee of up to $35 for each loan. Rather than making student loans more available the Congress should, in the view of the AFL-CIO, return to the principle of government loans such as have been available on a limited basis through the National Defense Education Act. Government loans are sure to get to the student a lot more than, and are less expensive in the long run than the guaranteed private loan plan.

The Administration proposes a $40 million increase in the Department of Health, Education, and Welfare’s budget for the fiscal year 1969. But the opportunity costs of the far results have not been promising. Banks have been reluctant to lend money at reasonable rates to encourage students to apply for loans. The Administration’s proposals to make the loans more attractive by giving the lender a service fee of up to $35 for each loan. Rather than making student loans more available the Congress should, in the view of the AFL-CIO, return to the principle of government loans such as have been available on a limited basis through the National Defense Education Act. Government loans are sure to get to the student a lot more than, and are less expensive in the long run than the guaranteed private loan plan.

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The Administration proposes that the federal government to assume a much larger portion of the costs than presently provided by the 50-50 matching base in the law. To carry out the programs that are urgently needed existence, make a great contribution to labor education. They need to be greatly expanded to meet the needs of unions. This expansion will not come without cost.

The AFL-CIO believes that federal funds should be provided for training and educational purposes for our young people, who have the opportunity costs of the far results have not been promising. Banks have been reluctant to lend money at reasonable rates to encourage students to apply for loans. The Administration’s proposals to make the loans more attractive by giving the lender a service fee of up to $35 for each loan. Rather than making student loans more available the Congress should, in the view of the AFL-CIO, return to the principle of government loans such as have been available on a limited basis through the National Defense Education Act. Government loans are sure to get to the student a lot more than, and are less expensive in the long run than the guaranteed private loan plan.
to the expansion of programs which compensate for the years of decay, discrimination and apathy experienced by those who dwell in the shadow of our cities. We believe that meaningful efforts in this direction will ultimately give rise to new hope to those who have long since given up.

COMMISSION ON HEALTH SCIENCE AND SOCIETY

Mr. MONDALE. Mr. President, I recently introduced a joint resolution calling for the creation of a Commission on Health Science and Society to study some of the social and ethical implications of the recent medical breakthroughs, including heart transplants.

The University of Minnesota has pioneered in the development of the techniques and information needed in its animal research program, thereby paving the way for some of the recent breakthroughs. The university has been responsible for the training of many of the outstanding surgeons responsible for the recent heart transplant operations. In addition, many in the university have been involved in research and development in other areas.

Dr. Jesse E. Edwards, president of the American Heart Association and professor of pathology at the University of Minnesota, is a leader in the field of medical research who is well aware of the ethical and moral implications of the health sciences.

In a recent statement to the University of Minnesota's Minnesota Daily, he discussed the need for establishment of a community ethics committee to handle the legal and ethical questions arising in the areas of transplants and other medical practices.

I ask unanimous consent that Dr. Edwards' illuminating remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

HEART ASSOCIATION PRESIDENT PROPOSES TRANSPLANT ETHICS

(By George Mitchell)

Human heart transplants involve serious ethical problems, Dr. Jesse E. Edwards, president of the American Heart Assn. and professor of pathology, said Tuesday.

The American Heart Assn. approved the establishment of a committee on the ethical problems of transplants and other medical practices in the middle of January, Edwards said. In addition to doctors it will include members of the clergy, the legal profession, and the judiciary and will cut across political lines.

"It will address itself to the subject of transplants both from the view of the recipient and the donor," he said, "and it will evaluate the quality of life and death and the issue of who is logically responsible for the disposition of the organs."

Edwards called heart transplants "clinical trials."

"You have to start somewhere," he said. "It was the same for the first open-heart operation. It had been tried on dogs, but could it be done in humans? You didn't know. We have to accept this as a fact of life. It has to be done. The day has come when somebody is the first person to whom it's done."

Asked if an ethical problem is presented by a physician's inability to accurately predict a heart patient's life expectancy, Edwards replied that: "a patient can get in a state verging on the unconscious and experienced people can often be right in concluding that the end is not far away."

He added, however, that it is very difficult to predict how much longer a heart patient may live.

A team of doctors wanting to perform a transplant should not be the ones to decide how much longer a patient has to live, he said. A team of doctors from another institution should be called in to make an objective study of the patient's condition and then recommend whether a transplant should be performed, he said.

Asked if he thought legal precautions like those of the Food and Drug Administration regulations on experimental drugs should be applied to heart transplants, Edwards said that there should be some broad legal guidelines.

"But," he continued, "the management of the individual patient must ultimately fall upon the shoulders of the physician, because he has the special training to understand disease."

Edwards said laws concerning a potential donor's permission for the use of one of his organs in case of death should be liberalized.

"If the patient is deemed so ill that if an individual in his right mind wants to give his heart or kidneys or cornea or what have you, he would have the right to do it," he said.

When is a potential heart donor actually dead? Edwards said that is the heart-lung transplant, the heart, brain, and lungs have stopped functioning, according to Edwards. "The public's idea of how ultra-fast you have to get the heart out is mistaken," he said. "There isn't that much of a rush."

He pointed out that a wave of enthusiasm generated by direct reporting to the public in the newspapers has given the public hopeless conditions. "It's bad enough for one to be in a difficult predicament physically, but it's even cruder to give him false hope about it," he said.

According to Edwards, the basic feat of heart transplantation is technically not very difficult. He said that hundreds of heart surgeons could perform the operation.

"The big thing in heart transplantation was accomplished almost 15 years ago, and that's the fact," Edwards said. A heart-lung machine keeps the patient alive during the period when he has no heart. Edwards said that he "is not enthusiastic about the prospects for heart transplants. I'm more enthusiastic about the potential for a mechanical device than I am for the transplant." he said.

MOST CRUCIAL ISSUE FACING EDUCATION TODAY

Mr. MORSE. Mr. President, it was my good fortune on a recent trip to Oregon to have the opportunity to visit a campus of Portland Community College. This is one of Oregon's youngest institutions of higher education; but to me and, I am sure, to the young men and women who work in its classrooms, it is an institution of great promise for the future.

I thoroughly enjoyed my visit, and I enjoyed talking with both faculty and students. Portland Community College is served by President Amo DeBernardis, an administrator who is committed to the idea that every student should have a chance to develop his potential. The philosophy he exemplifies is well set forth in a series of four articles published in the Oregon Journal during January and February of this year. His statements are helpful to me, and I am sure they will be to other Senators as we consider legislation in the educational area. I, therefore, ask unanimous consent that the articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Oregon Journal, Jan. 12, 1968]

WHAT IS MOST CRUCIAL ISSUE FACING EDUCATION TODAY?

(For.-This is the third column in the new joint resolution for a solution to the problem of a city's educational crisis. In which three prominent Oregon educators answer vital questions on education. If you have a question or comment on the education subject, send it to Education Forum, Oregon Journal, Portland 97201. The question of the week will be answered by all three "experts" on Monday, Wednesday and Friday on the Journal's Feature Page.)

(Bar Dr. Amo DeBernardis)

Although many critical issues face education, I believe the most critical is the large city school problem.

Schools in large cities are having difficulty obtaining funds to adequately finance their educational improvement programs.

As a consequence, buildings are run down, materials are lacking, good teachers are leaving the system and morale is low.

People are moving out of the city, and they are being replaced by other citizens who are not so affluent.

The fact that education is an important factor in maintaining the American system of government, then what happens to the 75 per cent of the nation's children who attend schools in large cities should be of interest to every citizen.

Schools in the American system have the important function of preparing the students for citizenship.

What happens if the educational program is allowed to become substandard for a majority of young people who have been "short changed" in their education? How will they react in voting on issues which face the community— the nation?

The tax revolt has hit the large city school systems in a time of their greatest need. Because of limited funds, large city school systems are moving out of the city, and because of limited budgets over the past decade these older buildings have not been remodeled and maintained, which would insure good facilities for the children.

What are in need of complete renovation to take care of a modern educational program to provide for use of new educational equipment and teaching materials.

Because of limited funds, large city school systems are unable to maintain and develop educational programs to take care of the unique needs created by the influx of culturally deprived groups who move into the city, according to educators. Special education, counseling, vocational education, staff development, research, all have had to be cut back or eliminated at a time when the needs for these services are the greatest.

The problem of the large city school system is further complicated by the fact that much of the community leadership moves to the suburbs, and the core city is deprived of the skills and the abilities of these citizens.

The larger city school system's vitality and spirit and deterioration begins to set in, ever so slowly. What happens to the vitality of a city has a direct impact on its schools.

A few good teachers leave each year for more attractive jobs in the suburbs. Maintenance workers and janitors are lost in an ever increasing shortage of interest in the schools wanes.

By the
time it becomes noticeable it is usually too late to bring the system back without extreme effort and expense.

The running of a large city school system cannot be taken lightly. If the local citizens do not harken to the demands of the system, the leadership of the system and provide the leadership and operating funds to assist the core city system, then other agencies must step in.

The nation cannot allow the large city system to deteriorate and provide a quality of education below that which is being provided in the suburbs.

Not only must it be of the same quality but in many respects it must be of a higher quality.

If the local community does not rise to the occasion and provide the funds to operate quality schools, then the state or federal government will step in to see that the needed programs are provided.

It must be remembered that the American system of government has within it the seeds of its own destruction because the majority of the people can decide whether or not to perpetuate the system.

If these people who have been deprived of the professional services become disillusioned as a result of the educational program, then they may want to make a change in the system.

One has only to look at the riots throughout the country, teacher strikes, and general unrest to be aware of a ferment taking place in this country which will have an impact on everyone in this country.

The people who have moved to the suburbs cannot overlook this important fact. Their leadership of the money must also be directed to the city's problems.

To ignore this responsibility is to ignore the future of the metropolitan area.

[From the Oregon Journal, Jan. 19, 1968]

Do LOCAL SCHOOL BOARDS RUN THE SCHOOLS?

(2) By Amo DeBernardis

(Note.—This is another column in the new Journal feature "Education Forum" in which three prominent Oregon educators answer vital questions on education. If you have a question or comment on any education subject, send it to Education Forum, Oregon Journal, Portland 97201. The question of the week will be answered by three "experts" on Monday, Wednesday and Friday on the Journal's Feature Page.)

The majority of the school boards are elected by the people to supervise the operation of the school.

They are selected from every walk of life—attorneys, doctors, housewives, craftsmen. It is their function to develop an educational system which best fits the needs of their community.

But, they are not expected to become involved in the day-to-day operation of the school. They hire a professional staff to direct this activity under the policies determined by them.

Too often school boards are criticized for not running the schools, even though this is their intent.

After 20 years of working for and watching school boards in operation, I know of no substitute which I would recommend to supervise the operation of the public schools of this country.

I have been impressed by the careful study we our Portland School Board, for example, has given to the problems and provided the citizens present.

One only needs to attend a board meeting to see this for himself. Any citizen may present a problem to the board and be assured of a courteous hearing.

Over the years I have seen many staff reports and presented to which some citizens group has objected.

After the board heard both sides of the issue, and after careful study, it then asked the staff to modify its report. This is not to imply that the people were right; it only highlights the fact that the people can be heard on matters of education.

1. Know of no elective group in our community which is closer to the people and their needs than a school board. For the daily operation of the school, the board must employ a professional staff to develop the educational program. The school board must be concerned with the professional competence, background, morale, and the like, for this task.

The running of a school system, is no small undertaking. In most communities the school system is one of the largest businesses.

To ask a school board to be informed about the details involved in the daily operation of a school system, would be the same as asking the board of directors of General Motors to be concerned with the kinds of hub caps purchased and the maintenance of the twenty thousand automobiles.

The important task of the school board is the development of board policies and machinery so that the professional staff can implement these policies.

The school board, because it represents the people, must be responsive to any complaints presented. But, it must refer the details of a problem, however, to its professional staff for study and a recommendation.

In point that the charge is often made that the school board is a rubber stamp for the educator. Nothing can be further from the truth.

School boards need data on which to make the basic policy decisions, and on matters of policy the board spends many hours collecting data and discussing the pros and cons before making a decision.

Citizens who are interested in how the public schools operate and how policies are determined should attend the meetings of their school board.

Meetings are open to the public and the board welcomes attendance. Except for the newscast, citizens' attendance at board or school board meetings is light.

This could indicate a general disinterest in the school, or it could be a sign that the public is generally pleased with what happens in the schools.

The fact remains, however, that the public should attend meetings to determine how schools are operated. It is at these board meetings much of the detailed operation of the schools is discussed.—curriculum, materials, innovations, problems.

The task of developing an effective and efficient educational system in this fast changing world is a significant responsibility of the local school board.

The school board is dealing with probably the most important element in the determination of our society's survival—the education of future citizens.

Therefore, the ultimate goal for the board should be to provide every individual pupil the best educational opportunity.

To achieve this goal requires teamwork; and the team must include the citizens, the school board, the superintendent, the principal and the teachers. Each has an important role to play. Significant progress towards the goal cannot be made unless each player understands his role and function in it.

What happens to a school system in the final analysis is the responsibility of each citizen. It is he who determines the person who will sit on the school board. It is he who determines how much money is to be allotted for the school system and how it will be spent. It is he who can push for quality education, or can settle for a "bargain basement" education at the lowest cost.

[From the Oregon Journal, Jan. 26, 1968]

PUBLIC GETTING MONEY'S WORTH FROM SCHOOL FUNDS?

(Note.—This is another column in the new Journal feature "Education Forum" in which three prominent Oregon educators answer vital questions on education. If you have a question or comment on any education subject, send it to Education Forum, Oregon Journal, Portland 97201. The question of the week will be answered by three "experts" on Monday, Wednesday and Friday on the Journal's Feature Page.)

(1) (By Amo DeBernardis)

As one who has been employed and working in the field of education for many years, my answer to this question can be interpreted as loaded in terms of "Yes, the taxpayer is getting a good deal for his educational dollar."

However, any objective answer to the question must take a look at the services the schools perform for the funds they receive from the taxpayer.

Education is a service and must be purely a public service, such as a medical, dental, legal governmental. These services must be paid for whether they come from individuals or a public agency, such as the school which gets its money from the taxpayer. The amount and quality of services in education are determined in the main by what the community needs and wants. Too often the educational services are taken for granted by the public and most citizens do not take a close look or evaluate the services which the school performs.

Today, all children in Oregon must attend school. But, they must be running a child who has reached the 22 years of age or who has graduated from high school. There are a few who can be excused for medical or personal reasons. In the main most children today under 18 are attending school. To provide a meaningful education for this diverse group of pupils, the schools must provide trained teachers, facilities, equipment, books, supplies, and maintenance. Each pupil is in school 180 days per year, or approximately 1,200 hours. This costs the taxpayer on the average $750, or $4.75 per day. This is not a bargain in any way, this is about 42 cents an hour for providing a child an educational program. If the school district can keep a child safe and warm and off the streets this would be a bargain.

But the schools do much more. It takes the young child and teaches him the three Rs, and, contrary to what some people think, the schools do a better job today than in the "good old days."

Some people ask: If the schools are doing such a good job, how do you explain the dropout and the many people who cannot read? For all these years, 30 years of age or older have made significant progress. For example, in 1913 if 2,000 students started in the 1st grade, approximately 200 reach the 12th grade. Today the dropout rate is much smaller and most first graders are graduated from high school. Of 3,000 students entering the 1st grade, 900 will reach the 12th grade. Another factor which must be considered is that in 1913 students could drop out of school and with little or no education could get a job. Today this is not the case. This is not a bargain by any way, this is about 42 cents an hour for providing a child an educational program. If the school district can keep a child safe and warm and off the streets this would be a bargain.

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because of the more complex nature of society and the needs of children. Modern soci­
ety requires more than the three Rs, even though it is important to have a good funda­
ment in music, science, social home, economics, in­
dustrial arts, vocational education, and phys­
ical education. In fact, a few programs are added to the school to meet the educational needs of all of the children of all the people.

Today, with the explosion of knowledge, stu­
dents and teachers need a large variety of books, an average cost of $5 to $10 for a 160 days school attendance, or 42 cents an

hour, the answer is obvious. The public is getting its money’s worth for the dollars invested.

WHAT TYPE VOCATIONAL EDUCATION FOR SCHOOLS

(By Dr. Amo DeBernardis)

One of the basic problems regarding voca­
tional education is that every school pro­
gram has with the student and his parents. Vocational education has become a program for the student who can’t “make it” in the regular curriculum.

Sputnik didn’t help matters. When this piece of fireworks went up, the shooed students around the world and taught us mathematics, and foreign language. The immediate reaction: Federal, state, and local governments are now pouring billions of dollars into these programs.

The immediate reaction: Federal, state, and local governments are now pouring billions of dollars into these programs. The immediate reaction: Federal, state, and local governments are now pouring billions of dollars into these programs.

Today’s student is quick to realize where the status and dignity are in the society. The emphasis is on a college degree. High schools boast that 50 per cent or more of their graduates go on to college. This doesn’t help the student who is not college bound to admit that he is in a vocational program. In fact, he has a tendency to try the so-called academic and shy away from vocational programs.

Yet, most jobs in our country do not re­
quire a college degree. Most jobs can be obtained with a high school diploma and spe­cialized skill training. The vocational pro­grams in our schools must receive the same emphasis, energy, and support that the other programs receive. To do otherwise is to indi­cate to students that these are not im­
portant. Consequently students will shy away from them.

The idea of earning a living must be a major thrust of the school. After all, the person is not ready for the work-a-day world. Industry and labor must be the idea of dignity of occupation, and of the kind of guidance which is needed to keep the student this mobility. The school must develop its program in a comprehensive, and more focused to the individual.

For every child who becomes a productive citizen, the taxpayer is saved the cost­
maintaining him in an institution, which saves $1,000 to $5,000 per year.

In the realm of self-government, such as in America, where people participate in the decisions of government, education is even more im­
portant. Again, let’s look at the world situa­tion: in under-developed countries where self-government is a goal and not a reality, the schools have an important role to play in raising the quality of education to the standards needed by an evolving society.

Jerry D. Worthy

Mr. SPARKMAN. Mr. President, yes­
terday, March 10, Jerry D. Worthy, Di­
sael, Savings and Loan Insurance Cor­
poration, died at Fairfax Hospi­
tal, Virginia.

Jerry Worthy was a friend of mine, and I join with his family and many friends in mourning his passing. He would have been 80 in June. He was an asset to our community.

Jerry was a native of Alabama. He was born on Sand Mountain in the little com­

munity of Fyffe in De Kalb County. He attended Auburn University and gradu­
ated from the Law School of the Univer­
sity of Alabama in 1952.

Jerry Worthy was a natural leader. While at University of Alabama, he was the president of the student government as­
d to that which the other programs have in the school and community.
Sylacauga, Ala., where he was active in legal and banking circles. He was a past president of the junior bankers section of the Alabama Bankers Association and a former vice president and director of the Sylacauga Chapter of the Small Business Administration. In 1961, he was named Man of the Year by the Civitan Club and Young Man of the Year by the Jaycees in 1962. In May of 1962, he was appointed deputy director of the Small Business Administration's Atlanta, Ga., regional office serving the Southeastern States. Mr. Worthy did an outstanding job in that capacity and in August of 1964 he came to Washington as the assistant deputy administrator for financial assistance for the SBA. On March 16, 1965, he was sworn in as Director of the Federal Savings and Loan Insurance Corporation.

In announcing Mr. Worthy's appointment, John Horne, the Federal Home Loan Bank Board Chairman, recognized Jerry's dedicated public service when he said:

The outstanding executive ability that he demonstrated in his broad, businesslike lending practices make him well qualified to serve as Director of the Federal Savings and Loan Insurance Corporation—a key position on the Board's staff.

Jerry Worthy was, indeed, a devoted public servant. He was a man of honor and integrity. To lose a man with so much of his career ahead of him is truly a tragedy, and leadership will be missed, and to those of us who counted Jerry as a personal friend his loss is doubly grievous. My heartfelt sympathy goes out to Jerry's widow, Mary, and his three children, Billy, Mary Jo, and Martha.

COMMEMDATION OF SECOND ANNUAL REPORT: "MARINE SCIENCE AFFAIRS—A YEAR OF PLANS AND PROGRESS"

Mr. FONG. Mr. President, it has been but a year and a half since the 96th Congress enacted into law, the Marine Resources and Engineering Development Act of 1966.

This law, which was privileged to co-sponsor, established the first national policy to intensify the study of the sea and to convert its potential to mankind's use. It designated the President as responsible for Federal marine science activities. It gave Federal programs in this area greater momentum and sharper direction. And it created two bodies, a Presidential Commission of distinguished citizens, and a National Council, under the chairmanship of the Vice President.

The Marine Science Council has just published its second annual report, entitled "Marine Science Affairs: A Year of Plans and Progress."

This document clearly and interest­ingly shows that all of the agencies of the Federal Government have made significant strides during the past year. Its 228 pages list accomplishments and demonstrate that this Nation is using the oceans more effectively in meeting the goals and aspirations of our Nation.

This report highlights opportunities deserving special emphasis and requests $516 million for marine sciences included in the President's fiscal year 1969 proposals to the Congress.

In the state of the Union address on January 18, the President said:

"This year I shall propose that we launch without delay an exploration of the ocean depths to tap its wealth and its energy and its abundance."

Last Friday, in his message entitled "To Renew a Nation," he announced that he had "instructed the Secretary of State to consult with other nations on the steps that could be taken to launch an historic and unprecedented adventure—an international decade of ocean exploration for the 1970's."

Today, in the second annual report on marine science affairs, appropriately devoted its first detailed chapter to "Expanding International Cooperation and Understanding." Each chapter begins with a literary quotation, and, again appropriately, this discussion takes its theme from Alexander Pope, who said, "Sea but join the regions they divide."

I commend to the attention of every citizen this excellent report published by the National Council on Marine Resources and Engineering Development, which the President has just transmitted to Congress.

LIBERTY AND THE LAW

Mr. MORSE. Mr. President, the Bill of Rights is so fundamental to a living democracy that many, if not all, for granted that it is understood by all.

But this, unfortunately, is not the way things are. Liberty is challenged daily at home as abroad. I invite special attention to a joint project by the Oregon State Bar Association and Portland, Ore., public schools which has earned the American Bar Association's Award of Merit. Teachers and lawyers working together, make the Bill of Rights a living, vibrant concept for a growing generation of young Americans.

The November 1967 issue of the PTA magazine contains an excellent summary of the report on "Teaching the Bill of Rights." I ask unanimous consent that it be printed in the Record at the close of my remarks. I commend all who have participated in this project—the Oregon State Bar Association and Portland, Ore., public schools.

We lawyers, of course, are all familiar with the concept of the Bill of Rights. To most of us, it is an abstract idea. But to many social studies teachers, like their students, are really unfamiliar with constitutional materials. The actual writing of the unit is therefore for us an adventure.

As we worked, a number of problems cropped up. For example: How comprehensively should we be? How could we avoid making
milling our questions too difficult? We decided to accept the proposition that most students wish to be challenged, but we tried to temper our enthusiasm with common sense.

In our interviewing we encountered two problems. We eliminated the legal terminology in our statements and questions. We selected from court opinions with the care to avoid the language of the courts and particularly of our own. We wanted the students to see that courts can be divided and can change their minds. We felt that often it was helpful to present a case in a context reflecting the circumstances of our judges; they are too good to miss

During the 1965-66 school year the project benefited greatly from two in-service teacher training courses of ten two-hour weekly sessions each. Each lawyer responsible for writing a unit taught that unit. The teachers in turn taught several units in their own classrooms and gave us their own and their students' evaluations of the materials. As a result some units were revised, some completed, and we added others.

And now we come to the heart of the matter—the content of the ten units.

If a person is accused of crime, we use the Gideon, Escobedo, and Miranda cases. We want the students to consider that under our Bill of Rights the purpose of the criminal proceeding is not to punish the accused fairly. We want to see that this is the object whether the accused is guilty or not. We want to see that we phrase our questions in such a way that they are not too difficult, or poor, or popular, or unpopular. We also try, without getting into technicalities, to show the importance of a lawyer in all stages of a proceeding. We have tried to prove that this is guaranteed by the Bill of Rights. The questions, designed to stimulate discussion, we believe are challenging. Here are some of them:

Why does Justice Black say that the state must provide a lawyer for a person charged with a serious crime if the person cannot afford a lawyer himself?

Assume that a lawyer who consults with a client in custody will advise his client to be silent. Do you think this will make it more difficult for the police to solve the crime or to convict the guilty person? Is this important?

Justice Goldberg said that when the rights of the accused are set against the importance of the case, the rights of the accused "strikes the balance in favor of the accused." What does this mean? Why do you agree or disagree with this view? Are there other than confession of the accused, do the police have to obtain evidence of wrongdoing?

Assume that Gideon actually did commit the burglary. Should it matter then, whether he had a lawyer? Give your reasons.

In the unit on "The Privilege Against Self-Incrimination" five cases are chosen. The Meehan case, upholding the exercise of the privilege in a grand jury inquiry concerning Communist Party membership; the Albertson case, concerning the use of a Communist Club member under the Subversive Activities Control Act; Griffin v. California, invalidating any search warrant based on the defendants' failure to take the stand; Singer v. Board of Education, involving a college professor who was discharged for pleading guilty to a moral transgression; and, finally, the Meese investigation committee; and Miranda. Here are some of the questions we ask:

Do you agree with Justice Clark that the committee can not compel "Patriot" to answer "questions as equivalent to a confession of guilt"? Why?

Do you think government employees should be granted the Miranda privilege? Why? Does your answer be different if the person fired was a college teacher, a teacher in a public school, a teacher in a private school, a street cleaner, a police officer?

Would your answer depend upon whether the questions being asked the employee concerned sale of narcotics, gambling, membership in the Communist Party, membership in the Ku Klux Klan?

In "Searches and Seizure" we use a fascinating Oregon case in which the police arrested the defendant without a warrant, and found the loot of a bank robbery. We ask the students:

Assuming the defendants were guilty of bank robbery, do you think it was legal for the police to seize the property? Why? Why not?

We would also like to require that the police obtain search warrants from a judge rather than the chief of police. In what way are the courts, in the opinion of the police, either to the disadvantage or advantage that police obtain a search warrant?

To examine the problems of electronic eavesdropping we take the Silverman case, in which the police used a "spike mike" in a neighboring apartment and overheard incriminating talk about gambling. We want the students to consider the importance of privacy and also the need for effective law enforcement. Some of the questions:

If you were writing the Bill of Rights today, do you think that the government should be able to search a person's private files? If you think that requiring a search warrant is wise today? Can the police effect a search of a person's private files at any time?

When the police are not allowed to use electronic equipment without first obtaining search warrants, are there other means to detect crime scene evidence?

The interrelationship of the three units I've just discussed is apparent. They concern problems in our courts. Since much of our written material is originally written for the Constitution, why are cases decided in the same way? The Constitution is both a nation's government and a body of law. This is the same as the Constitution being both a government and a body of law. This is the same as the Constitution being both a government and a body of law. This is the same as the Constitution being both a government and a body of law. This is the same as the Constitution being both a government and a body of law. This is the same as the Constitution being both a government and a body of law.

The Unit on Freedom of Expression was the next to be completed. We used a number of cases including those involving the American Legion case, which upheld the right to suppress the book "The Grapes of Wrath," the United Press case involving outrageous pre-trial conduct and the Sheppard case of a lawyer who had written a great essay on the reasons for a Bill of Rights. Here we had a rare opportunity to raise the most basic questions, including:

Why should the Constitution contain a Bill of Rights? What is Jackson's view? Jefferson's? Madison's? What values does our Bill of Rights protect?

Do you think that it is unconstitutional to allow the public to see a trial? Do you think that the government should be allowed to give a compulsory flag salute for all public school children? Why should the First Amendment not apply to the states? In the Sheppard case the Supreme Court wrote a great essay on the reasons for a Bill of Rights. Here we had a rare opportunity to raise the most basic questions, including:

Why should the Constitution contain a Bill of Rights? What is Jackson's view? Jefferson's? Madison's? What values does our Bill of Rights protect?

Do you think that if the government allows cameras to be used in a school, the student should have the right to refuse to be photographed? If the government allows television cameras in the courtroom, what are the restrictions, if any, that would you suggest?

Our units on "The Flag Salute Cases" of the early 1940's and on "Church, State, and Religion" contain a number of cases.

The Flag Salute cases are a wonderful teaching tool. The Supreme Court changed its mind. The Court in 1940 ruled that the acts of the Wisconsin legislature were constitutional. The Court reversed this decision in 1940 and decided that the acts were unconstitutional.

Here are some of the questions we used in the Court's opinions for the cases:

Did the President have the duty to determine the limits? Do you think a statute like the Flag Salute cases provides for civilian control over the military? What does the Constitution provide for the military? What does the Constitution provide for the military?

"CIVIL LIBERTY AND MILITARY Necessity" uses the Japanese-American relocation cases during World War II and the Korean martial law cases. The story is whether the military authorities were correct that military urgency demanded that all American citizens of Japanese ancestry be segregated from the West Coast.
The unit on "Segregation in Public Schools" in some ways has a broader sweep than all the others except "Civil Liberty and Military Intervention." The unit has the difficulty of bringing unpopular cases to redeem constitutional rights, (2) the enforcement of judicial decisions unpopular to large segments of the population, and (3) the redress of grievances by executive and legislative action as well as by court action. It raises questions as to whether the due process standard can be met.

Using the case of Brown v. Board of Education we raise these questions, among others:

Can you state in your own words what the Supreme Court meant when it said that separate but equal facilities were "inherently unequal"? Why did the Supreme Court think so?

What factors do you think influenced the Supreme Court in making its decision? From your knowledge of American history, what importance do you give to the following [a list of historical and social changes]?

To what extent do you believe it was the responsibility of others than the federal courts to further elimination of school segregation? Consider: the President, the U.S. Congress, the U.S. educational agencies, local school districts, Negroes, whites. Do you think the Congress has discharged its responsibilities?

Supreme Court in 1964? What further legislation, if any, would you recommend?

In your judgment did the Supreme Court in 1954 and 1964 intend to make a precedent for national policy? Did it create a new public opinion? Was it ahead of, or behind, the majority viewpoint?

For discussion in a northern school district we use the facts of racial imbalance in Portland schools and the steps that our school board has taken to alleviate it. We use the example of Portland for several reasons, not the least of which was that we thought those who would be most directly affected—the students—should discuss, evaluate, and consider it.

One further comment on this unit: Originally we started with the story of Elizabeth Eckford. You may have read this story, which illustrates the courage it takes to secure one's liberties, in Daisy Bates's book The Long Shadow of Little Rock. Elizabeth told how she was stopped at the door of the high school by state troopers and then followed by a threatening mob. The reaction of many students has been to look for something to blame on the people around them. Apparently the emotional impact was too great. Reluctantly we moved on to the more recent case.

The units are not just for seniors and top students. They have been used successfully with slower classes and with freshmen and sophomores. They bring home to students the importance of our constitutional liberties.

For teachers of the Oregon State Bar, helping to teach the Bill of Rights has been an exciting task. The story of the Bill of Rights, despite bitter pages, is on the whole a positive and exciting one. It contains some of the most thrilling passages in our country's history. It is a story young Americans should study.

Jonathan U. Newman is an attorney at law in Portland, Oregon. The textbook, Liberty and the Law, has been published by the Prentice-Hall Company.

LEADERSHIP, LAW, AND ORDER

Mr. HANSEN. Mr. President, I wish again to thank you for allowing the majority of our citizens, of all races, look to us and to their other elected officials to maintain the framework of law and order in which they can live in freedom and without fear. Down below, there is no freedom, no security, and no progress. And this means no progress toward healing the wounds of racial intolerance or toward curing the blight and hopelessness of our great urban slums.

Yet the President and other high officials have fed rumors that law and order will not and cannot be maintained. They have turned a blind eye to the responsibility of public officials. Mayor Cavanagh of Detroit, has joined the list of mayors and Governors who have felt it necessary to emphasize that law and order will be maintained with all the necessary force.

The opposite assumption—that there will be more widespread violence in our cities—polarsizes Americans into armed camps. The Detroit situation and Mayor Cavanagh's response to it make the point succinctly. I ask unanimous consent that a brief report on Mayor Cavanagh's speech, published in the Washington Post, be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

CIVILIAN ARMING WORRIES DETROIT

Detroit Mayor Jerome F. Cavanagh warned the people of Detroit yesterday that an "unarmed Detroit" may be "constituting the majority of the people, rather than the extremists, constitutes the most clear and present danger to our common future."

Cavanagh said that the majority of the people, rather than the extremists, constitutes the most clear and present danger to our common future. The Detroit Police Department said today that it has registered 2511 handguns in the first two months of this year, more than twice the number for the same two months last year. Total gun permits issued in the seven months since the riot were 7422, compared with 6030 registered during all of 1966. Rifles and shotguns need not be registered.

Mr. HANSEN. Mr. President, the President and other leaders apparently use their predictions of violence in order to coerce Congress and the voter to go along with their programs for aiding the cities. They tell us that there will be widespread violence unless those programs are carried out.

This is, of course, true to a point. But it wholly misses the point that nothing will be accomplished to aid the cities unless it is done in an atmosphere of public order. Destruction takes place more quickly than construction—we want to go forward, not backward.

The critical responsibility for all of us in public life, especially the President, the Governors, and the mayors, is to keep order and to maintain discipline.

This is what the people demand at this time of uncertainty and turmoil: a foundation of order and discipline upon which we can build solutions to our problems. As David Lawrence points out, in the current issue of U.S. News & World Report:

Above all we need in America today a stern hand in government. The people want to live in a land of order and to enjoy the peace that comes from order and to maintain discipline. Courage must replace political triviality.

I ask unanimous consent that Mr. Lawrence's entire remarks be printed in the Record, for I believe that they set our role and our task in perspective.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

POLITICAL TRIVIUM

(By David Lawrence)

To prescribe a cure for the ills of a country, it is important, first of all, to make sure what are the causes of unrest, insecurity, disorder and incipient revolution. And if we haven't the courage to ask and answer these questions honestly and clearly, political reasoners, who often spend their lives reformulating old foundations for the sake of new ones, will supply the answers for us, and from them we will get no better solutions than the ones we have today.

They are all studies in the routine of bureaucratic politics — the facile, destructive, dehumanizing politics. The reasoners don't have the courage to agree what is going on. They are all studies in the routine of bureaucratic politics — the facile, destructive, dehumanizing politics. The reasoners don't have the courage to agree what is going on.

With 200 million people, the United States does not now have the same economic life or social structure as it had in 1960, when there were only 76 million. Machinery and improved methods of transportation have helped us to some extent to meet the problems of a growing population, but the challenges are even more intense than before —crowded cities, congested highways, crime, incitement to violence and multitudes of real problems.

Communication has become almost instantaneous. This has its advantages as well as its disadvantages. Thus, information or communications is promptly broadcast from coast to coast, and — since the provocations are not clearly defined, and the instigators go unchallenged — the result is that fear and insecurity increases. Fear is intensified.

The crucial fact that emerges repeatedly is that we do not have an effective system of discipline within our own country. Our police are insufficient. The right of free speech has been abused to the point where passions are aroused through rallies and demonstrations. Unfortunately, too many spokesmen for government say all this will be remedied by the policies in place in the big communities. It's a political alibi.

Appropriations for the poverty-stricken are not alone the answer. Some people will not listen to us as a government. We're inheriting something we can't inherit. We must, of course, find ways to increase economic opportunity — to create more jobs and to train the inefficient. This is primarily a task for private industry.

We are asking ourselves, moreover, whether 50 States, with geographic boundaries which vary from 50,000 square miles for Delaware to 1.8 million square miles for Alaska, should be better served by centralization, or whether a new form of decentralization, with federal supervision, is needed.

Perhaps it's time to re-examine our whole system of government. When it was conceived in 1788, we had a small number of states and the total population did not reach four million. There were then only about five persons for each square mile of the nation's land area, whereas today there are more than 50 per square mile. Our total population has multiplied 50 times.

We shall move close to the 250 million figure in the next few decades. What are we going to do to prepare for it? Failure to anticipate population growth thus far is perhaps the biggest single mistake we have made.

We have belatedly discovered that the States cannot supply, for instance, all the funds needed for education and urban renewal. The Federal Government is annually allocating big sums also for other aid to the States, some of which are lacking in economic opportunity. This is being called the "new federalism."

But theorists about a revision of our governmental system to meet our present needs must not be allowed to minimize the necessity of maintaining discipline in the communities of our land.

The Supreme Court in a recent decision held that "freedom of speech" does not include the right falsely to cry "Fire!" in a crowded theater and thereby yield to the leaders of activist organizations, claiming the immunity of "freedom of speech," deliberately inflame audiences in different parts of
the country and incite people to riot and disorder. Police systems are not strong enough to deal with the impassioned mobs. Crime has increased largely because individual discipline has broken down. Parents have neglected the care of children in the formative years. We now have more criminals than ever before. Other police forces, even national and State, to deter crime and make homes and streets safe, night and day. No one can live happily if they must live constantly in fear.

A presidential commission was appointed to investigate riots, and it came up only with the failure to prosecute agitators, especially those leaders who are frequently quoted in the press and on the air as threatening violence. Their words are widely publicized. But the politically minded persons in federal, State and city governments are usually afraid of yielding to pressure groups. Above all, we need in America today a stern hand in government. The people want to see law and order preserved. They will turn out of office elected officials who disregard this obligation, and will choose for public service persons who are willing to apply discipline without yielding to pressure groups. Courage must replace political timidity.

**SENSIBLE TALK ABOUT THE WAR IN VIETNAM**

Mr. CHURCH. Mr. President, in view of the nature of the presidential primary campaign in New Hampshire, where the distinguished Senator from Minnesota [Mr. McCARTHY] is being subjected to shameful abuse for his willingness to debate the issue of Vietnam, it is refreshing that a newspaper of the stature of the New York Times has placed the issue in perspective.

In an editorial published on March 10, the Times notes that Senator McCarthy “is winning support because he is willing to talk sensibly and calmly about Vietnam.” Mr. President, there is no room today for the type of campaign that has been directed against Senator McCarthy. Character assassination should have no place in the American electoral process.

I commend the editorial to Senators and ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

**A MAN FOR THIS SEASON**

Senator Eugene McCarthy's campaign is steadily gaining in strength and significance. His showing in the precinct and ward conventions in Minnesota last week was unexpectedly strong. President Johnson's refusal to run in person or through a proxy candidate in other states has failed to dent McCarthy's support in Minnesota. Senator's votes to Mr. McCarthy for the first ballot at the Democratic National Convention. These developments have heightened interest in President Johnson's prospects.

Every serious political campaign represents an interaction between the candidate and the issues. In McCarthy's case, little known on the national scene, is tapping a sizable vein of antirwar sentiment. He is winning support because he is willing to talk sensibly and calmly about Vietnam, the sub-
ject that is most on the minds of the electorate, and is willing to submit his beliefs to the judgment of the voters.

The McCarthy campaign appears novel because it has become accustomed to personalized political campaigns in which issues are ruthlessly subordinated to personal qualities. Senator McCarthy is more concerned with his ideas than his image. Mr. McCarthy is not merchandising himself as a brand of detergent; he is not seeking support for his own personal glory. He is not a leader who is frequently quoted in the press and on the air as threatening violence. Their words are widely publicized. Nothing was said off into vague inconsequence, that or ought to be--preferable to the more usual exasperation.

Mr. McCarthy is using the media to communicate his ideas to the public. He is a man for this season of emotionalism. Politics is normally defined as the art of the possible. It is the purpose of the idealist in politics such as Senator McCarthy to expand the boundaries of what is thought possible. Regardless of the outcome in New Hampshire or in the later primaries in Wisconsin and California, Senator McCarthy has no reasonable chance of winning the Democratic nomination--as he himself has recognized from the outset. But a series of McCarthy victories or near-victories in primaries and state conventions could conceivably alter President Johnson's perception of public attitudes toward the war and therefore his management of the situation.

Like any man who has ever run for political office, President Johnson has a healthy respect for the ballot box. An outpouring of McCarthy support for Mr. McCarthy's open-occupancy proposal would indicate to him that the American public is ready for a change. McCarthy's stand on the war is not probable, but it is more clearly within the realm of the possible than it was before Eugene McCarthy began to campaign.

Senator McCarthy has succeeded in making a negotiated settlement in Vietnam a more credible alternative simply by coming forward. He has removed the issue of the war from the side-shows of controversy to the main tent of political discussion. He has opened the possibility of a peaceful settlement. For all citizens, but particularly for students and young people, he has provided constructive political leadership in a hard, confused and frightening time. His stand on the war is a change of heart, but it is more clearly within the realm of the possible than it was before Eugene McCarthy began to campaign.

**CONCLUSION OF MORNING BUSINESS**

Mr. BYRD of West Virginia, Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business?

If not, morning business is concluded.

**INTERFERENCE WITH CIVIL RIGHTS**

Mr. BYRD of West Virginia, Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Without objection, the Chair lays before the Senate the unfinished business, which the clerk will state.

The LEGISLATIVE Ctlk. A bill (H.R. 2516) to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

Mr. BYRD of West Virginia, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.
consent roles of prosecutor, jury, and judge in one man is as rank a proposed
prostitution of the judicial process as has ever been presented to any legisla-
tive body in a nation which professes to be a nation where there is belief in equal justice under law.

Mr. President, the removal of this pro-
posed prostitution of the judicial process is one of the good things which was
done by the filibuster. Instead of having all
occupancy provisions of the pending bill
judged by one man, an executive officer,
performing the combined functions of pro-
secutor, jury, and judge in one department
on the banks of the Potomac
River, we now have a bill which provides
that controversies arising under the open
occupancy provisions are to be judged by
impartial judges sitting in all of the Fed-
eral districts throughout the length and
breadth of the land.

Mr. President, I would say to the pro-
pounder of the question that that change
in procedure would have been worth-
nearly proposed and contemplated rank
prostitution of the judicial process.

There is another great good which was
accomplished by the filibuster. If this bill
should finally pass and become law in its
present form, it will contain an amend-
ment proposed by the senior Senator from
North Carolina giving constitutu-
tional rights for the first time in our
history simply because they did not
have sufficient voting power to make
them on some sort of equality with other
Americans who believe in Government accord-
ing to our desires.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield to a
question?

Mr. ERVIN. I am glad to yield to the
Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator for yield-
ing to me. I do not interpose my question at the wrong time. Was I not one of the cosponsors of the original
amendment?

Mr. ERVIN. Yes. The Senator has cos-
sponsored each of the bills that have been
introduced to give constitutional rights
to the American Indian and he has been a
fighter in their behalf for the enact-
ment of these bills.

Mr. BYRD of West Virginia. I thank the able Senator.

Mr. ERVIN. Mr. President, the Sena-
tor from West Virginia [Mr. BYRD] also
merits the thanks of the American peo-
ple for persuading the Senate to adopt
his amendment to the bill which he desires
the owners of single-family dwellings
the right to do with their own as they
please.

Mr. President, if this provision re-
ains in the bill at the bill is finally
enacted into law, it will give constitu-
tional rights to people who have been
denied constitutional rights throughout
our history simply because they did not
have the executive power that the few
politicians believe that trying to put
them on some sort of equality with other
Americans was a worthwhile task.

There is another great good which was
accomplished by the filibuster. If this bill
had not been filibustered, the admission of an amendment offered by
the distinguished junior Senator from
Georgia, and an amendment offered by
myself, which were approved by a major-
tity of the Senate on rollcall votes and
which give assurance to law-enforce-
ment officers, to members of the Na-
tional Guard, and to personnel of the
Regular Army, that when they were
authorized the prosecution of law-en-
forcement officers, National Guardians,
and Regular Army personnel called nec-
essarily upon to use force in the suppres-
sion of riots, to the charge that in so
doing they violated the provisions of the
bill and were guilty of one of the newly
created crimes defined by the bill. I think
that was a great good and, of itself, was
sufficient to justify what I would call un-
limited or educational debate. Others,
sometimes, call them filibusters.

Incidentally, Mr. President, there is a
profound distinction between an educa-
tional debate and a filibuster. If those
who are speaking at length express views
which we do not entertain, it is a filibus-
ter. That is the difference and the only
difference between a filibuster and an
educational debate.

The filibuster caused other good provi-
sions to be inserted in the bill. I refer to
the antiriot provisions which will indi-
cate that the bill is finally enacted into law
in its present form, that Congress is at
long last as much concerned with the nu-
merous murders committed in Newark,
N.J., and Detroit, Mich., as it has hereto-
fore been with a small number of atrocious murders committed in
Mississippi.

I think that was good because it indi-
cated that, after all, a majority of the
Members of the Senate whose votes were
recorded opposed the favors of the antiriot
amendments do entertain the concept that there should be equal jus-
tice under law and that all men who viol-
ate the law should be held accountable
for their misdeeds.

Another good which was accomplished
by the educational debate, or filibuster as
one may prefer to call it, was the incor-
poration in the bill of the amendment of
federal criminal law as set out in
Georgia. [Mr. TALMAGE] which added to
those intended to be protected by the bill
the small businessman who happens to
live in an area where riots occur and loss-
ings result but does not directly benefit
much good by extending the protection
of the Federal criminal law as set out in
title I to those who, heretofore, had no
protection at the hands of the Federal
government. Earnings and property were
often swept away by those not seek-
ing rights but availing themselves of op-
portunities to commit larceny.

I think the educational debate, or fili-
buster, also accomplished good in that it
showed there are still men in the Senate
who believe in Government accord-
ging to its own desires.

Mr. President, I would say to the pro-
pounder of the question that that change
in procedure would have been worth-
nearly proposed and contemplated rank
prostitution of the judicial process.

I think that the educational debate,
or filibuster, also accomplished good in
that it showed there are still men in the
Senate who believe in Government accord-
ging to its own desires.

I will invite the attention of the Sen-
aplus a moment of a statement made by
Woodrow Wilson, who understood the
Constitution, and why it was written,
better than any other man who ever
occupied the White House at any time
in the history of this Republic.

Woodrow Wilson understood what
Justice Harlan means when he said:

"The basic tenet of our political system
is that a free society is best assured by diff-
fusion of governmental power."

Now I read Woodrow Wilson's state-
ment:

"Neither has ever come from the govern-
ment. Liberty has always come from the
subjects of it. The history of liberty is a
history of the limitation of governmental
power, not the increase of it. When we res-
sist, therefore, the concentration of power,
we are resisting the processes of death,
because concentration of power is what always
precedes the destruction of human liberties.

During recent years the Congress of the United States has done more to con-
centrate the powers of Government in
Washington than it had done through-
out the previous history of this Nation;
and in so doing it has done more in re-
sult to destroy the freedom of the indi-
vidual in the United States than all of the
Congress of the past.

So I think the debate showed that
there are still some men in public life in
America who recognize that the concen-
tration of power in the Federal Govern-
ment in Washington is incompatible with the retention of the liberties of
the American people, and who still prefer
the land of the free rather than become the land of the regimented.

Mr. HOLLAND. Mr. President, will the
Senator yield?
Mr. ERVIN. I yield to the distinguished Senator from Florida.

Mr. HOLLAND. Mr. President, I want not only to congratulate warmly the Senator from Montana on his having outlined for the record many of the most meaningful changes that were accomplished during the course of the educational debate now ending, but also to thank him for the leadership which he has given us all the way through, in committee and on the floor, in the effort to see that greater reason prevailed than was present in the original bill and in the original open-housing amendment as introduced by the distinguished Senator from Minnesota [Mr. MONDALE] and the Senator from Massachusetts [Mr. Basko].

Mr. President, I shall not go over the whole ground that has been covered so ably by the Senator from North Carolina. I want, though, first to add one more good result that I think was accomplished in the debate which he did not get to or had overlooked, and that was with respect to the exemption of the sale or rental of most homes, or dwellings.

There was no exemption whatever applicable to this field in the original open-housing amendment so unfortunately offered as to include all dwellings and homes. And the fact that right now, at this very moment, there are 32 million American men under arms and away from their homes, and in many instances their families are having to live with their in-laws, and regardless of many other facts which have been brought out in this debate.

I want to call attention briefly to what I think is the roll of honor of the men who have offered the most meaningful amendments which have tempered and moderated this legislation as it now has taken final form.

First, I have already mentioned my distinguished friend, the Senator from North Carolina, whom I think should head the honor roll.

Second, I want to mention the distinguished Senator from Illinois [Mr. Dirksen]. We have already almost for­
gotten that he headed the compromise effort which made very meaningful changes in the legislation as it then was pending, and other less meaningful ones. I mention only two.

First, we got away from, in his substitute amendment, the unfortunate—and I think completely unconstitutional—provision mentioned by the Senator from North Carolina, under which the Secretary of Housing and Urban Development would have been given such great and such broad powers as to make of him everything from investigator down through prosecutor, jury, and judge, as the case might be from North Carolina has stated. The Senator from Illinois is entitled to credit for having restored judicial power to the courts in this important field, as it should be in every other; and I want to put him high on the roll of honor for that reason.

He has also restored power to an owner of a dwelling, an owner of a home, to sell through his own devices, through his own means, and to rent or lease that home.

There are other changes in the substitute amendment, but those two are the two most meaningful ones; and I think the Senator from Illinois should appear on the roll of honor because of those two.

Mr. President, to call the roll a little further, I want to call attention to the fact that the Senator from Georgia [Mr. Talmadge] was, along with the Senator from North Carolina [Mr. Ervin], a leader in securing that officers, who were to be civil officers or military officers, who were engaged in trying to control riots and rioters would be exempted from the provisions of this bill. The Senator from Georgia also had the amendment which was first made to protect owners of stores and of other property from unlawful acts in the course of demonstrations and riots in which individuals would throw molotov cocktails and the like.

Likewise, the Senator from Louisiana [Mr. Long] had proposals in that same field.

Mr. President, the Senator from South Carolina [Mr. Thurmond] and the Senator from Louisiana [Mr. Long] were leaders in one or the other phases of the antiriot provisions that were so properly written into this legislation. I place them high on the roll of honor.

Mr. President, in addition to the efforts made by the Senator from Illinois with reference to homes, there was an enlargement of exemption in the sale, rental, and leasing of homes or dwellings accomplished under the amendments offered by the Senator from West Virginia [Mr. Byrd], and I want to put him on the roll of honor.

Mr. President, there are some who should be placed on the roll of honor for the amendments that were not adopted, but who, nevertheless, made fights that are well worthy of being preserved; and I wanted to mention one or two of those Senators.

One of them was the Senator from Tennessee [Mr. Baker], who endeavored to make fuller the exemption of the sale or rental or leasing of homes than was provided in the Dirksen substitute by allowing the use of ordinary commercial agencies, real estate brokers, in the sale, rental, or leasing by those agencies.

There were others who offered highly meaningful provisions, as the Senator from Iowa [Mr. Miller] did; and I pay him tribute.

Mr. President, I am so glad that the Senator from North Carolina has continued his educational process long enough today to list most of the most meaningful amendments and changes that the most worthwhile provisions which are the direct results of the educational debate, or filibuster—and I do not care whether you call it one or the other. The fact is that the legislation in its final form is not like the bill that came out of the Judiciary, prejudicial legislation which was offered in the beginning and the amend­ment which was offered by the Senators from Minnesota and Massachusetts than has been passed. I am very glad to think that he has continued the educational process. Whether it was for the purpose of educating editorial writers or simply preserving in the Record a summary of what has been done in the course of this debate, I do not know, but I think it was a highly worthwhile activity, and I commend him.

As I have already said, I place him at the head of the honor roll.

Mr. President, I yield the floor.

VACATION OF ORDER FOR RECOGNITION OF SENATOR STENNIS ON THE ETHICS RESOLUTION AND SUBSTITUTION OF ORDER FOR RECOGNITION OF SENATOR SPARKMAN ON GOLD COVER BILL

Mr. MANSFIELD. Mr. President, on Friday last, I asked unanimous consent that at the conclusion of morning business on Tuesday, tomorrow, the distinguished Senator from Mississippi [Mr. Stennis] be recognized for the purpose of calling up the resolution on ethics which it was hoped would be reported by the committee at that time.

I ask unanimous consent that that order be vacated at that time, and at that time, the distinguished Senator from Alabama [Mr. Sparkman] be recognized for the purpose of calling up Calendar No. 987, S. 2851, a bill to eliminate the reserve requirements for Federal Reserve notes and for U.S. notes and Treasury notes of 1830.

Mr. STENNIS. Mr. President, reserving the right to object, will the Senator from Montana yield for purposes of this purpose?

Mr. MANSFIELD. I yield.

Mr. HOLLAND. Mr. President, will the Senator yield to me for a moment?

Mr. MANSFIELD. I promised to yield to the Senator from Mississippi. If the Senator from Mississippi will permit it.

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. MANSFIELD. Mr. President, I must yield to point to the Senator from Mississippi.

Mr. HOLLAND. I understand the situation.

Mr. STENNIS, Mr. President, the Secretary of the Treasury has consulted with the Senator from Montana, the Senator from Alabama, and me with reference to a desire to have the Senate consider the bill having to do with our gold reserves, and it is considered highly important that it come before the Senate at the earliest possible time.

The select committee has been working and planning to get this matter into the code of ethics before the Senate as soon as we could, and have made arrangements for all members to be here this week. But under these pressing circumstances, we would be happy to yield for consideration of the gold bill, with the understanding—directing my remarks to the attention of the majority leader—that when action on that bill is finished, we return to the matter of the resolution.

Mr. President, if the Senator will yield, he has my assurance that that will be done. I am indeed sorry that it will not be possible to take up the ethics resolution tomorrow; but I have confidence that the committee itself is not prepared to issue its report fully and completely at this time.
Mr. STENNIS. Well, there was, as I told the majority leader this morning, a matter I discovered last night of some language which I think is too obscure, on a vital point, which is going to require redrafting, and we are in the process of working on that now. This will give us time to revise that language in the resolution proposed.

So I do hope there will be no exception made, and I understand that the majority leader is prepared to state that there will be none, and that we will return to that matter following disposition of the gold bill. We will at that time read the resolution proposed.

Mr. MANSFIELD. Yes, the Senator has my assurance of that.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS

Mr. MANSFIELD. Now, Mr. President, in response to what I think the Senator from Florida has in mind, I announce that it is our intention to take up the supplemental appropriation bill today.

Mr. HOLLAND. I thank the distinguished Senator. That bill is of immediate importance, but it is of tremendous urgency in many areas. I am sure that the chairman of our committee would advise the distinguished majority leader that the matter is one whose passage is of immediate importance.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

Mr. STENNIS. Will the Senator withdraw that for a moment?

Mr. BYRD of West Virginia. I withdraw it.

THE ETHICS RESOLUTION

Mr. STENNIS. Mr. President, in connection with the report and resolution on ethics just mentioned, it is to be understood by everyone, including the press, that the revision of the resolution will be completed and the revised resolution placed before the Senate before the debate starts.

As I understand, then, Mr. President, the gold reserve bill will be taken up at noon tomorrow?

Mr. MANSFIELD. At the conclusion of morning business, yes.

Mr. STENNIS. I have a few remarks to make on the pending measure.

Mr. MANSFIELD. Mr. President, will the Senator yield briefly?

Mr. STENNIS. I yield.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Mississippi yield for that purpose?

Mr. STENNIS. I yield for that purpose.

The PRESIDING OFFICER. The clerk will call the roll.

The roll clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERFERENCE WITH CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 2516) to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

Mr. STENNIS. Regarding the pending matter, and the impending vote with reference to the bill that has been under debate, I feel, frankly, that the Senate is on the verge of making what I think would be a tragic error, and I believe further that history will record that error.

I wish to be clear and positive that I oppose this measure in most of its major particulars, and that I have been one of many who have worked to avoid it. I believe, particularly with reference to the passage of this open-housing legislation, that it will prove to be a grave mistake, and one of the gravest that the Senate has ever made. It will be a surrender of responsibility, in a large measure, as I have pointed out earlier, by this legislative body, in that it surrenders to the head of a department of the Government almost unlimited powers. I will have a part of it. I understand it will be repudiated, eventually, by the people in overwhelming numbers at the polls.

The powers surrendered have been limited somewhat in the so-called Dirksen amendment, but the basic principle is being violated, and the power, in a large measure, is still there. Under the prevailing sentiment at present that is causing this bill to be passed, that power will be enlarged. I am talking now about the power granted to the Secretary of Housing and Urban Development.

I note, Mr. President, that the time has arrived when these vast departments, with their great sums of money and the very fine talents at their disposal, use every possible interpretation of such power that we grant them to the utmost. Every line, every phrase, every sentence from speeches made here on the floor of the Senate as a part of the legislative history, and use that to the limit to enlarge their powers in carrying out their personal concepts of the bill and their powers thereunder.

This bill strikes down one of the basic rights of all American citizens—the right of ownership over his private property. Rights which heretofore had rested secure in the Constitution now hang on the sufferance of the Secretary of Housing and Urban Development. By this bill the unqualified right to use, enjoy, and dispose of what one has acquired through his own honest labor is converted into a doubtful privilege dependent upon the favor of Government. Every man’s home becomes another of the priorities of government which may be bargained away for political advantage. Court suits and enforcement campaigns will be launched like Government poverty programs, where they will do the most political good.

Mr. President, I am not talking through my hat on this matter. I have had administrators, responsible for the conduct of affairs in other departments, tell me that that is exactly what they do, and that they think it is their duty and their responsibility. This time, we are not going to be operating on a school board or a State of this or that kind. We are promised that it is backed by the attorney general of his State, or, indeed, anyone who is capable of employing competent legal aid. We are going to be operating on the so-called open housing bill, the bill where the special interests will have their resources, the man with this little home, or perhaps two or three dwelling houses he may happen to own. Perhaps that is all the property that he has been able to accumulate. He will not have a chance to stand before this powerful bureaucracy that we have built up here and given all this power, and will, in the future, appropriate the vast sums of money for it to be carried out.

The principle of government control over private homes is established it will grow and expand, consuming whatever rights may remain in its way. The same zealous forces which are behind this bill will be there. There will be a constant pressure to cut down exceptions, tighten up exemptions, and reach out into new areas. Every protest demonstration will call forth a harsh new interpretation of the rules made against the homeowner. Every new law will bring about a stringent revision of the regulations. Every close election will be the occasion for extending government control still further.

In the end, even those whom this special legislation favors, will be the losers along with all other Americans. The homes they may acquire will be no more secure in their hands than they are in the hands of the present owners. The rights of the new owners who are to be checked over by the shadow of government. The web of regulations and redtape, the threat of suits and investigations, the uncertainty of right and title, will fall upon the new tenants, one after another, to sustain this harassment will have to be paid out of their pockets too.

This bill purports to be a compromise. It is a compromise only in the sense that it purports to compromise the rights of some few homeowners than the original bill. It is a compromise of principle for political expediency. It compromises the sanctity of every man’s home to gratify the passions of a few extremists. It purports to be based on high principles, but the only principle I can find in it is that the end justifies the means. It purports to give due protection to personal rights over mere property rights. Such a distinction between personal rights and property rights is wholly false and misleading. There is no real distinction between the two. All rights are personal. Property has no rights but people have rights. People who would these are as personal as any other right.

The people are being controlled and regulated beyond reason. They are rapidly reaching the limits of endurance
and are bound sooner or later to rise up in a massive revolt at the polls. They are burdened down with rules and regulations reaching into every area of private life. They must keep up with fill, out and file forms and reports of every conceivable kind. There is seemingly no detail too small for the Government to try to supervise and regulate. There is apparently no activity that Government does not feel it can perform better for the people than the people themselves. It is generally the case that the individual citizen, and especially the small citizen, and limited private citizen, and their private property.

With reference to the school legislation, it was openly stated that we would proceed to restore the property owner's control over his own property. The right to live with is slowly stifling individual liberty in this country. It is time Congressmen, not bureaucrats, who write the rules of the land. The Constitution. Thus the conflict is not between personal rights and property rights as has been pretended. The real issue is whether the personal rights of property owners outweigh or override the new personal rights to others. In such a contest, it seems to me that the home owner has the higher and better claim to protection.

The mounting volume of regulations and forms and the private citizen is required to live with is slowly stifling individual liberty in this country. It is time Congressmen, not bureaucrats, who write the rules of the land. The Constitution. Thus the conflict is not between personal rights and property rights as has been pretended. The real issue is whether the personal rights of property owners outweigh or override the new personal rights to others. In such a contest, it seems to me that the home owner has the higher and better claim to protection.

It is not States rights which are endangered by this bill, but the rights of the people. It is not business or commerce which this bill regulates, but the lives of private citizens. I think this fact has been camouflaged by the amendment. The bill has been drawn solely from the point of view of the minority it is supposed to aid. Before it is voted on, it ought to be seriously examined from the point of view of the majority which it grievously injures. We looked at this from the point of view of an individual citizen. I think the unfairness and injustice of the bill will become so glaringly apparent that the Senate will overwhelmingly vote it down.

If the bill does pass, however, I intend to do all I can to see that it is enforced with the same rigor and to the same extent in the big cities of the North as it is in the tiny hamlets and towns of the South. There is not going to be any hocus-pocus under this law about de facto jure segregation. There is not going to be the same pattern of selective enforcement which has grown up under the Civil Rights Act of 1964. If we are going to have open housing in the South, we are going to have open housing in the North, in the East, and in the West. I intend to do what I can to maintain constant surveillance over the administration of this law and insist that it be enforced with the same force in every other section of the country as it is in the South. I firmly believe that if this is done, we will soon see some fast back-tracking on this unwise legislation.

It is incor­porated in the Dirksen substitute as I have mentioned, can still be delegated to any departmental employee. And they still have—and it is spelled out in the bill—the duty to promulgate in the policies of the pending bill.

What are the policies of the pending measure? The language that is written into the Civil Rights Act is too vague and broad.

The law on matters that will bear down on the individual people concerned. This involves something that I think is one of our most sacred rights. And I believe that when this policy is applied to the people who are involved here, we are going to have open housing in the South.

With reference to the school legislation, it was openly stated that we would pick out the southeastern part of the country as the part of the country in which to carry out the most extreme provisions. These provisions have not as yet touched the other areas. I hope that that will not be the pattern followed in this instance. I hope that we will apply this law affirmatively in the same way throughout the country.

My capacity as a Senator is limited because a Senator does not have the staff or resources or time to cope with these big depart­ments when they really take place. There are a great many ways to deal with these issues that we do not have to do. The big departments have a crushing power so far as an individual Senator is concerned. They are able to run over him, and that is what they do. That has been and, I think, will happen again. I hope that in the enforcement of this law the departments will apply the matter uniformly throughout the country.

It believe that if they do, corrections will be made with regard to certain errors contained in the pending legislation. Those would involve the correction of errors that have been made on the floor of the House of Representatives. I voted for the 1957 Civil Rights Act and the 1960 Civil Rights Act. I also voted for the 1962 constitutional amendment, proposed by the distinguished Senator from Florida [Mr. HORNBLAND], outlawing the poll tax as a requirement for voting in Federal elections. I voted against the 1964 and 1965 Civil Rights Acts.

On a vote of last week I voted against agreeing to the Dirksen substitute for the committee substitute, but the Senate pre­ferred the Dirksen proposal over the committee measure.

Although the original committee sub­stitute contained some bad features, I greatly preferred it to the Dirksen substitute because of the so-called fair housing title in the Dirksen package.

Within a short while, the Senate will proceed to vote on the Dirksen substitute, and I realize, of course, that Senators will overwhelmingly vote in favor of the Dirksen substitute.

After much consideration, I have decided to vote for the Dirksen substitute. It has been improved somewhat over its original form, and I shall refer to these improvements shortly, but I want to express the fervent hope that the House of Representa­tives will further amend the substitute, and I realize, of course, that Senators will overwhelmingly vote in favor of the Dirksen substitute.

Even though, as I say, the bill contains provisions which constitute an invasion of property rights, I shall reluctantly cast my vote for the bill. I shall do so for the following reasons:

First, the Dirksen substitute now contains my own amendment, which was accepted by the Senate on a close vote of 48 to 45, to protect the small property owner in the sale and rental of single-family dwellings. My amendment permits the owner to issue instructions concerning the correction of his own property, and I hope that that will not be the pattern followed in this instance. I hope that we will apply this law affirmatively in the same way throughout the country.
Mr. President, I have only one further thing to say before I call upon the able and distinguished floor manager of the bill, the Senator from Michigan (Mr. Hart). I also commend the able and distinguished Senator from Minnesota (Mr. Hubert H. Humphrey) for the able way in which he has handled this amendment which was written into the bill on which we are about to vote with my own amendment, and I hope the Senate will act accordingly.

For the first time, to American Indians living on reservations, there have been the riot provisions, and the Senate has rejected the amendment by the House in connection with the riot provisions, and I trust that the Senate will act accordingly.

Furthermore, there is always difficult to prove intent. Another amendment which was written into the bill on the Senate floor with the riot provisions, and I trust that the Senate will act accordingly.

The language dealing with riots does not yet go as far as it should. The Senate has rejected the amendment which was written into the bill on the Senate floor with the riot provisions, and I trust that the Senate will act accordingly.

The Senate has rejected the amendment by the House in connection with the riot provisions, and I trust that the Senate will act accordingly.

I also iterate that same commendation to the able and distinguished Senators who have led the fight against the bill. I congratulate the able and distinguished floor manager of the bill, the Senator from Florida (Mr. Holland), the Senator from Louisiana (Mr. Bennett), and the equally able and distinguished Senator from Minnesota (Mr. Stassen), and all other Senators who have participated in the debate. They have shown the utmost courtesy and consideration toward others who hold views contrary to their own.

Both sides have exhibited the utmost understanding, as I say, each toward the other throughout the debate, I have been in the Chamber through all of the debate, and I feel it incumbent upon me to express my deeply felt pride in the manner in which all participants in the debate have conducted their participation and performed their duties. I could not be more proud of the fine attitudes that have been shown by all Senators, and I commend them very highly.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. STENNIS. The PRESIDING OFFICER (Mr. Byrd of Virginia, Chairman of the committee). Without objection, it is so ordered.

Mr. THURMOND obtained the floor.

The PRESIDING OFFICER. Before the Senate proceeds, the Chair will ask that attacheis take seats in the Chamber and stop roaming around the floor, conversing, standing in the doorways, and walking up and down the aisle.

Mr. THURMOND. Mr. President, I realize that a majority of the Members of the Senate have expressed themselves in favor of the pending measure. However, I must rise in opposition to this bill.

This is my 14th year in the Senate, and every year during my service here I have seen further injection of the Federal Government into the lives of the individual and the rights of the individual. If this trend continues, there will be practically no facet of a person's life and no area of State action that the Federal Government does not control or touch upon. I hope the Senate will act accordingly.

The original bill singles out one group of people for protection and another for prosecution, while ignoring more pressing areas of concern. It fails to deal adequately with the very serious problem of civil disorder and riots. Hence, there is room for improvement toward others who hold views contrary to their own.

Nowhere does the Constitution authorize Federal action to reach individual acts as is done under this bill. Our system of government and our constitutional heritage call for the maintenance of law and order by the States. This responsibility was never delegated to the Federal Government in the Constitution. If the Senate proceeds, the Chair will ask that attacheis take seats in the Chamber and stop roaming around the floor, conversing, standing in the doorways, and walking up and down the aisle.

Nor should the Constitution fail to deal adequately with the very serious problem of civil disorder and riots. Hence, there is room for improvement toward others who hold views contrary to their own.
could be termed "property rights," on the one hand, versus personal rights, on the other hand. We are dealing only with personal rights to hold, use, and enjoy the funds.

Mr. President, there is no use to make any extended address on this subject, but I feel very strongly that the bill is objectionable not only for what it does but also for the very groundwork for the Federal Government to go even further. I feel that the exemptions in the bill will be removed in the future if the bill passes.

The sad thing, I think, about this entire program is that the President misunderstands it, or else he is playing politics to win the votes of certain groups of people.

Congress passed civil rights legislation in 1957, again in 1964, and again in 1965. The main result has been more strife, more civil violence, and more racial disorders—almost to the point of revolution at times. People are led to believe that such proposals are the answer to current problems. The legislation is passed, the problems remain, frustrations result, and the situation worsens.

If the proposed legislation, recommended again by the President, should be enacted, it is further evidence of the centralization of power in Washington and a great deal more Federal intervention in the rights and private lives of the American people.

I do not hope that upon reflection the Senate will not see fit to pass this unconstitutional, unlawful, and impractical legislation.

At this point, Mr. Monroe assumed the floor as President pro tempore.

Mr. DIRMKEN. Mr. President, every so often I am excoriated for changing views or modifying my views to suit circumstances.

I recall the bitter attack that was made upon me many years ago in connection with the Marshall plan, but I thought the facts vindicated my position and my attitude. I gave some time to a study of its operation, and I found that the administrative officers of the Marshall plan, with taxpayer's money to buy tons of bubble gum to be sent to Italy, and to buy all manner of other things for which I did not believe in that friendship. It would probably take more than that, because, of all things, I fully recognize the right to every Senator to cherish a conviction and express a view that he thinks is right. I am sure every Senator accords me the same privilege.

I presume, Mr. President, that the foundation for a modification of views must necessarily have some historical perspective, and I am back to what I think are the two principal forces that have accounted for this great, free, balanced country. The first force I am pleased to call a centrifugal force, which at the present time is the gregarious instinct which propels the American people out of the metropolitan areas of the country to the smaller communities; and out of that force and a great deal more Federal intervention in the rights and private lives of the American people.

In 1957, we have enjoyed with the distinguished Senator from Nebraska [Mr. Hruska], and that is the ethnic force.

I point to the number of Polish people in Buffalo, or in Chicago; or the number of people of German extraction in Chicago and Milwaukee. My family experienced that same phenomenon. My mother had a tag around her neck when she landed at Ellis Island. It simply said, "This girl goes to Pekin, Ill." She was only 17 years old when she braved the waves of the North Atlantic and made that horrifying turbulent voyage to America. But that tag said where she was going to go. At that time, it was essentially a German community, part Germany, part Dutch, and perhaps a little Danish. I think I am a compound of all three.

The main result has been more strife, but also because it lays the groundwork for the Federal Government to go even farther. We are about to experience the racial force.

Of course, there is the racial force. The number of people of color who ride the Illinois Central from the Southland to Chicago is an absolutely astounding figure. There is a large Negro population in Chicago, that there is at least an atmosphere of understanding and sympathy, and they do not feel so estranged when they arrive.

But because of these forces and sub-forces, our larger communities get ever-growing larger. I suppose that in the next census, Chicago will probably be well over 3½ million; New York probably 7½ million, and that teeming megalopolis of Los Angeles and all the others, will have increased populations. So they grow and grow.

As people are lured into the fold of these centers, they carry with them a very peculiar need that is, the need to conserve body heat.

Thoreau expressed it that way when he spoke about food. What is the essential purpose of food, if it is not to rekindle the body heat? I think that is the gregarious instinct which propels the American people out of the metropolitan areas of the country to the smaller communities.

Some of those things go with a person when he leaves the halcyon countryside and moves into the larger cities, hopefully find work and a place and the energy for a person to go about the day's work.

What is the particular virtue of clothes other than to shield one's nudity, except for the fact that a garment conserves body heat?

Why the need for fuel in the winter time to warm a household if it is not to conserve body heat?

Why the need for shelter if it is not to take care of and to conserve that body heat?

All of those things go with a person when he leaves the halcyon countryside and moves into the larger cities, hopefully find work and a place and the energy for a person to go about the day's work.

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Little by little that condition changed, and in due course I found it possible to support the Marshall plan and its basic objectives, because I never quarreled with the economic needs of the people. I do not quarrel now with the editorial writers, who so often sit in ivory towers and with great facility, but also quite often with great experience, they do not sit in ivory towers and with great facility, but also quite often with great experience, they do not sit in ivory towers and with great facility, but also quite often with great experience, they do not sit in ivory towers and with great facility, but also quite often with great experience, they do not sit in ivory towers and with great facility, but also almost to the point of revolution at times. People are led to believe that such proposals are the answer to current problems. The legislation is passed, the problems remain, frustrations result, and the situation worsens.

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All of those things go with a person when he leaves the halcyon countryside and moves into the larger cities, hopefully find work and a place and the energy for a person to go about the day's work.
part to change position when I had stated in a rather long speech to the Senate in 1966 that it was my innermost conviction the problem we deal with on occupancy should be the responsibility of the States.

We had the first State occupancy act 10 years ago. Today, 10 years later, there are only 21 States which have undertaken to enact laws in that field, 10 of the States having enacted laws so essentially defective that they had to do it all over again.

Mr. President, I ask the Senate, how long will it take before the other States come into line?

How long before 29 other States will see the light?

Fifteen years? Twenty years?

This free land cannot wait that long, Mr. President.

That is the essence of what we shall do here today. That is why, in my judgment, this measure should have a resounding vote of "yea" by the Senate.

What we are dealing with in America today is not a lot of isolated, detached, and fragmented problems. We are dealing with a mood. It is a tragic mood which is fastening itself upon the country. It seizes upon youngsters and older citizens of our country seems to be free from that mood, and the time has come to deal with it before it is too late.

So this is all I have to say about this substitute bill except to pay my compliments to the distinguished majority leader who, time after time, came to my office to sit with a group in the hope that we could work out something that not only would be acceptable, but it had to be salable to a majority of the Senate. If it is not, the effort fails.

I salute the Attorney General for his willingness to come to the office time after time and to make his views known, and to do it very candidly and in a wholly unemotional atmosphere, as we searched for common ground and tried to find a common denominator.

I thank the distinguished Senator from Michigan [Mr. Hart] and the distinguished Senator from Minnesota [Mr. Mondale]. When we got up against the rather tricky parliamentary problem under the rule, there was no way to put a substitute before the Senate without voting down the Mondale bill. He sat in the majority leader's office and said, "I will do whatever has to be done." Had there been a great swollen pride and cry about the way things have been handled, I would have been on such a high that I would have said, "No, not on your life, I want to vote as it stands." But he took it in the teeth like a statesman, and I salute him for it.

I salute all those who had a hand in it.

I want to thank and congratulate my distinguished friend from Nebraska, Roman Hruska. I hope that perhaps Bob Novak and Rowland Evans are sitting up there in the Press Gallery, because nobody sat in more conferences than did the distinguished Senator from Nebraska. He was a frequent visitor. I waited until 8 o'clock at night, when we were pouring on a few little things, and I said, "Roman, you will give us a cloture vote, won't you?" He looked at me and said, "I am sorry, but I can't."

That was his privilege, and in so doing he has kept intact a record in that field, with which I do not quarrel. I quarrel with no Senator about this. It is always better to get it out of the Senate. It is a better way than to get it out of the House, because of the constitutional defectiveness that they had to do it all over again.

In 1964 it was a little different. I could go to a Member of the Senate and say, "Hold up your fingers. How many times did I go to your State for you? I will name you the times," and I did. I said, "I went to your State twice today," and I went to a Senator and said, "Who keynoted your State convention and later went to your State twice?" He said, "You did. You have never voted for cloture. Today you pay me back."

But I do not always have merchandise like that, and this time I ran out of merchandise, and so I could put only something of an entreaty in my voice and say, "Please, sir, couldn't you give me a couple of words?" And I gave him a narrow margin of one vote, cloture was invoked, and we have now come to the stage where third reading has been had and it remains for the House of Representatives to impress its will upon this measure.

Mr. President, I confess the imperfections in the measure. How could we have done this kind of job without imperfections creeping in, notwithstanding the constant vigilance of everybody who was around that table?

While I am about it, I pay tribute to and salute a great lawyer, whom I am glad to have around [Mr. Javits], or, as a country lawyer, my talents in that field are sometimes the fact that I have been long detached from the law. As the old dean used to say, "The law is a jealous mistress." But here was a great lawyer.

And along with it, my colleague from Illinois, Senator Percy and Senator Edward Brooke, and Senator Howard Baker. He is no kin of mine, Mr. President, but we do have a legal relationship. [Laughter.]

So I thank the Senators, and I can only hope that the size of the vote today may be impressive on the body at the other end of the Capitol, and that before too long we may engross upon the statute books the measure that has required nearly 8 weeks of the Senate's time for its consideration.

Finally, Mr. President, I wish to thank the following staff people who were of invaluable help in drawing up the compromise language in the Dirksen amendment: Mr. and Mrs. Buch, Mr. Friedman, and Miss Pat Connell, of the staff of Senator Javits; Mr. Arthur Lerner, newly appointed, the staff of Senator Hruska's staff; H. B. Fries, who is associated with Mr. Lerner; Mr. Alexander, of the staff of Senator Baker; and Terry Segal, Senator Hart's assistant.

Mr. President, I yield the floor.

Mr. Hruska. Mr. President, I rise because of the citation in the measure of the statesman that I made up by our distinguished minority leader.

It is my intention to vote in favor of this bill on final passage as I have on every civil rights bill since 1957. I recorded my similar sentiment on last Friday when, in my absence, I was recorded in favor of the substitute.

I recall the occasion when the minority leader asked the Senator from Nebraska to vote for cloture, and I indicated that I could not favor cloture under the circumstances. In 1964 and 1965 I did vote for cloture on the civil rights issues. I believe that I explained to my good friend from Illinois, that I shall not vote for cloture on any future occasion in which a cloture petition is filed 1 hour and 15 minutes after the introduction, when the contents, titles, and provisions of that bill are different from that which had been under consideration by the Senate up until that time.

The amended sections of the bill are a great improvement over what was proposed originally. There still are imperfections, something that I think is recognized by all. It is with some reluctance that I shall vote for this bill. It is my hope that the size of the vote today is upon me, to weigh the pluses and minuses and then to vote on the question one way or the other.

The improvements in this bill are many. For example, in its original provisions, the housing measure bypassed our judicial system. It would have settled all disputes in this field, including the validity of title to real estate, through administrative processes with no effective rights of appeal—a concept which I hope will never again intrude itself upon this body. Any time we want to get rid of the judicial system, the Constitution can be amended; and we can use that procedure and not resort to some statute that would do such violence to our system. That aspect is now out of the bill entirely.

Another improvement insures that any bona fide purchaser who will not accept a compliance with the provisions in this section, consummates a sale is protected from having his right, title, or interest stripped from him despite his innocence. This is a fundamental provision. Yet it had to be added to the bill as the only statute that would do such violence to our system. That aspect is now out of the bill entirely.

To be sure, I am not fully satisfied with the legislation as it now stands. For example, the provision exempting the owner of a single-family unit from the antiriot provisions, unless in the extremely unlikely event that he does not use a real estate broker is not what I would have preferred. It may throw a heavy burden on the real estate profession. However, efforts to change that section were defeated by a vote of 48 to 42.

I certainly am mindful that there is further processing to do. We do not know, as of this moment, what the other body will do, or whether they will vote for a cloture. I hope that the Senate will, because I believe there are many respects in which the bill can be further refined and perfected.

I thank the Senator from Illinois for his kind words. We have labored together.
on many bills of this kind. We have seen contentions sometimes result; but we also have seen compromises such as this are reached in the sort of spirit exemplified by the Senator from Minnesota when he consented to the motion to table his amendments.

Mr. President, I yield the floor. I commend our outstanding minority leader, the Senator from Minnesota, the other sponsors of the legislation and of the amendments for their efforts on this legislation.

Mr. MANFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

THE RIOU COMMISSION REPORT

Mr. ELLERI.E. Mr. President, I ask unanimous consent to have printed in the RECORD the statement that was broadcast Saturday by radio station WWH, in New Orleans.

There being no objection, the statement was ordered to be printed in the RECORD.

THE RIOU COMMISSION'S REPORT

On Friday, the first of March, the National Advisory Commission on Civil Disorders, appointed by President Johnson, made public its findings. I have already had the opportunity to have swept many of the northern cities in recent summers. By a strange coincidence, the report was released just as the United States Senate was in the final stages of considering one of the annual civil rights bills. It is certainly true that the Commission's report advocates the immediate enactment of the Commission's report advocates the immediate enactment of "open housing" legislation. It is estimated that full-scale integration is much more acceptable to them when it occurs in the South.

As a matter of fact, segregation has been practiced in the North, particularly in the cities of the Eastern part of the country, for many years. The British have discovered that they do not want so open a society after all, if it means accepting a large number of people from South Asia. Similarly, the people of the North in our country have found out that full-scale integration is much more acceptable to them when it occurs in the South.

Once having admitted that prejudice existed, I firmly believe that the Commission did the nation a disservice by refusing to examine the causes of this feeling in any meaningful terms. According to the Advisory Panel, however, the blame for this state of affairs is "the fact that racism, and the name for the summer rioting in particular, is to be placed squarely at the feet of the majority of our nation's population."

Everyone knew just where he stood. Everyone knew just what punishment those who engage in lawless violence should have received, or should have received if they had been placed before the Congress almost a year before. But the Commission has failed in bringing any real benefit to the mass of those in whose behalf they were forced through Congress. The Commission has not done so in any meaningful sense for the great mass of the people.

In my view, they have proved worse than useless, as I indicated a short while ago. More than enough laws are already on the statute books to provide relief from any real inequities that exist, if they were only adequately enforced. Yet the agitation goes on and on. Meanwhile, the people have listened to the promises of politicians—promises of a better way of life that has not come to pass.

Much damage has been done because of this, to our Constitutional government, and to the basic fabric of our society. After looking over this latest report, and after viewing the action of the Senate last week on the fair housing bill, I can only conclude regretfully that the worst is yet to come.

Mr. JAVIERS. Mr. President, I shall just take a moment.

I wanted to say, because it has not been said, what a debt we all owe to the Senator from Illinois [Mr. DURKSEN]. He has spoken very graciously of me and of the Senator from Massachusetts [Mr. BROOKS] and of the Senator from Illinois [Mr. PERY] of the workmanship on this matter of the Senator from Nebraska [Mr. HUSSMAN], and of the efforts of our colleagues on the Democratic side, and I think it is only fair to speak of them in terms of the degree I think I have been able, with him in respect to Senators HART, MONDALE, and MANFIELD, but the proudest words in the English language, to me, Mr. President, for a man of consequence with the use of the words "I am persuaded."
Civil Rights Act of 1968. I am confident that will be a landmark in American history.

Just as he was one of the great architects of the Civil Rights Act of 1964, he must be recorded in American history as a major architect of the Civil Rights Act of 1968. I rise to pay him this very well deserved tribute. He is at the stage of life and service in the Senate when these are the only substantial laws that can be passed.

The PRESIDING OFFICER. The question is, Shall the bill pass? On this question, the ayes and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll. Mr. HICHENLOOKER. On this vote I have a pair with the Senator from Rhode Island [Mr. Morse]. If he were present and voting, I would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. MILLER. On this vote I have a live pair with the junior Senator from Oklahoma [Mr. Harris]. If present, I would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Minnesota [Mr. McCarthy], the Senator from New Hampshire [Mr. McIntyre], the Senator from Montana [Mr. Metcalf], and any Senator from Rhode Island [Mr. Morse] are necessarily absent.

I also announce that the Senator from Oklahoma [Mr. Harris] is absent because of an illness in his family.

I further announce that, if present and voting, the Senator from Minnesota [Mr. McCarthy], the Senator from New Hampshire [Mr. McIntyre], and the Senator from Montana [Mr. Metcalf] would each vote "yea." Mr. DIRKSEN. I announce that the Senator from California [Mr. Kuchel] and the Senator from Texas [Mr. Tower] are necessarily absent.

On this vote, the Senator from California [Mr. Kuchel] is paired with the Senator from Texas [Mr. Tower]. If present and voting, the Senator from California would vote "yea," and the Senator from Texas would vote "nay."

The positions of the Senators from Iowa [Mr. Hickenlooper] and [Mr. Miller] have previously been announced.

The result was announced—yeas 71, nays 20, as follows:

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So the bill (H.R. 2516), as amended, was passed.

Mr. HART. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZATION FOR THE SECRETARY OF THE SENATE TO MAKE TECHNICAL, CLERICAL, AND CERTAIN CONFORMING CORRECTIONS IN THE ENACTMENT OF H.R. 2516

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized, in the engrossment of H.R. 2516, to make technical, clerical, and certain conforming corrections which I send to the Desk.

 Without objection, it is so ordered.

The bill, H.R. 2516, as passed, is as follows:

TITLE I—INTERFERENCE WITH FEDERALLY PROTECTED ACTIVITIES

Sec. 101. (a) That chapter 13, civil rights, title 18, United States Code, is amended by inserting immediately at the end thereof the following new section, to read as follows:

§ 245. Federally protected activities

(a) (1) Nothing in this section shall be construed as indicating an intent on the part of Congress to prohibit or authorize any possession, disposition, or exercise of any public or private right, privilege, or immunity in connection with the voting matter of any person in any election, or in connection with the enforcement of any provision of the Federal election law.

(b) Nothing in this section shall be construed as taking away or lessening any right to vote or to hold public office or public place of trust or to engage in any lawful occupation, trade, or business, or any right to sue or be sued in any court of law or equity, or any right to vote or be eligible or required to vote, or to vote in the nomination or election of any public or private officer, or to hold any public or private place of trust or profit, or to engage in any lawful occupation, trade, or business.

(c) Nothing in this section shall be construed as taking away or lessening any right of any person, natural or artificial, to hold any public office or public place of trust, or to vote or be eligible or required to vote, or to vote in the nomination or election of any public or private officer, or to hold any public or private place of trust or profit, or to engage in any lawful occupation, trade, or business, or any right to sue or be sued in any court of law or equity, or any right to vote or be eligible or required to vote, or to vote in the nomination or election of any public or private officer, or to hold any public or private place of trust or profit, or to engage in any lawful occupation, trade, or business.

(d) Nothing in this section shall be construed as taking away or lessening any right of any person, natural or artificial, to hold any public office or public place of trust, or to vote or be eligible or required to vote, or to vote in the nomination or election of any public or private officer, or to hold any public or private place of trust or profit, or to engage in any lawful occupation, trade, or business, or any right to sue or be sued in any court of law or equity, or any right to vote or be eligible or required to vote, or to vote in the nomination or election of any public or private officer, or to hold any public or private place of trust or profit, or to engage in any lawful occupation, trade, or business.

(e) Nothing in this section shall be construed as taking away or lessening any right of any person, natural or artificial, to hold any public office or public place of trust, or to vote or be eligible or required to vote, or to vote in the nomination or election of any public or private officer, or to hold any public or private place of trust or profit, or to engage in any lawful occupation, trade, or business, or any right to sue or be sued in any court of law or equity, or any right to vote or be eligible or required to vote, or to vote in the nomination or election of any public or private officer, or to hold any public or private place of trust or profit, or to engage in any lawful occupation, trade, or business.

(f) Nothing in this section shall be construed as taking away or lessening any right of any person, natural or artificial, to hold any public office or public place of trust, or to vote or be eligible or required to vote, or to vote in the nomination or election of any public or private officer, or to hold any public or private place of trust or profit, or to engage in any lawful occupation, trade, or business, or any right to sue or be sued in any court of law or equity, or any right to vote or be eligible or required to vote, or to vote in the nomination or election of any public or private officer, or to hold any public or private place of trust or profit, or to engage in any lawful occupation, trade, or business.

(g) Nothing in this section shall be construed as taking away or lessening any right of any person, natural or artificial, to hold any public office or public place of trust, or to vote or be eligible or required to vote, or to vote in the nomination or election of any public or private officer, or to hold any public or private place of trust or profit, or to engage in any lawful occupation, trade, or business, or any right to sue or be sued in any court of law or equity, or any right to vote or be eligible or required to vote, or to vote in the nomination or election of any public or private officer, or to hold any public or private place of trust or profit, or to engage in any lawful occupation, trade, or business.
(A) through (F), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate—

shall be fined not more than $1,000, or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more than $10,000, or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life. As used in this section, the term ‘lawfully in speech or peaceful assembly’ shall mean the aiding, abetting, or inciting of other persons to riot or to commit any act of physical violence which results in bodily injury or death or of any real or personal property in furtherance of a riot. Nothing in subparagraph (2) of (F) or (G) of this subsection shall apply to the proprietor as his residence.

"(c) Nothing in this section shall be construed to apply to any law enforcement officer lawfully carrying out the duties of his office; and no law enforcement officer shall be subject to prosecution under this section for lawfully enforcing the laws and ordinances of the States, the District of Columbia, any of the several States, or any political subdivision of a State. For purposes of the preceding sentence, the term ‘lawfully enforcing the laws and ordinances of the States, the District of Columbia, a State, or political subdivision of a State’ shall mean that the officer is engaged in suppressing a riot or civil disturbance or restoring law and order during a riot or civil disturbance.

Sec. 102. The analysis of chapter 13 of title 18 of the United States Code is amended by adding at the end thereof the following: ‘245. Federally protected activities.’

Sec. 103. (a) Section 241 of title 18, United States Code, is amended by striking out the first paragraph thereof and substituting the following: ‘They shall be fined not more than $10,000 or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life.’

(b) Section 2102 of title 18, United States Code, is amended by striking out the period at the end thereof and adding the following: ‘; and if death results shall be subject to imprisonment for any term of years or for life.’

Sec. 104. (a) Title 18 of the United States Code is amended by inserting, immediately after chapter 101 thereof, the following new chapter: ‘Chapter 102. RIOTS’.

Sec. 2101. Riots.

2102. Definitions.

2103. Legislative history.

2104. Legislation, etc.

2105. Amendments and repeals.

2106. References.

2107. Ratification.

2108. Expenses of Congress.

2109. Appropriations.

2110. Definition of ‘riot’. (a) As used in this chapter, the term ‘riot’ means a public disturbance involving (1) an act or acts of violence by one or more persons, which act or acts shall constitute a clear and present danger of, or shall result in, damage or injury to the property of any other person or to the person of any other individual or (2) a threat or threats of the commission of an act or acts of violence by one or more persons, the performance of the threatened act or acts of violence would constitute a clear and present danger of, or would result in, damage or injury to the person of any other individual.

(b) As used in this chapter, the term ‘to incite’ means to cause, aid, advise, encourage, and to carry on or participate in, or to aid or abet any person in inciting or participating in a riot or in committing any act of violence in furtherance of a riot; or

(c) Nothing in this section shall be construed to apply to the following: (1) an act or acts of violence by one or more persons, which act or acts shall not be deemed to mean the mere oral or written (a) advocacy of ideas or (b) expression of belief, not involving advocacy of any act or acts of violence, and (c) the right to a speedy and public trial, and (d) the right to a speedy and public trial, and (e) Nothing in this section shall be construed to apply to any law enforcement officer lawfully carrying out the duties of his office; and no law enforcement officer shall be subject to prosecution under this section for lawfully enforcing the laws and ordinances of the States, the District of Columbia, any of the several States, or any political subdivision of a State. For purposes of the preceding sentence, the term ‘lawfully enforcing the laws and ordinances of the States, the District of Columbia, a State, or political subdivision of a State’ shall mean that the officer is engaged in suppressing a riot or civil disturbance or restoring law and order during a riot or civil disturbance.

Sec. 105. The analysis of chapter 18 of title 18 of the United States Code is amended by inserting, immediately after chapter 101 thereof, the following new chapter: ‘Chapter 102. RIOTS’.

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(b) As used in this chapter, the term ‘to incite’ means to cause, aid, advise, encourage, and to carry on or participate in, or to aid or abet any person in inciting or participating in a riot or in committing any act of violence in furtherance of a riot; or

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(9) pass any bill of attainder or ex post facto law; or
(10) deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six persons.

HABEAS CORPUS

Sec. 203. The privilege of the writ of habeas corpus shall be available to any person, in a case arising under Federal law, to challenge the legality of his detention by order of an Indian tribe.

TITLE III—MODEL CODE GOVERNING LAW ENFORCEMENT

Sec. 301. The Secretary of the Interior is authorized and directed to recommend to the Congress, on or before July 1, 1968, a model code to govern the administration of justice by courts of Indians on Indian reservations. Such code shall include provisions which will (1) assure that any individual being tried for an offense by a court of Indian offenses shall have the same rights, privileges, and immunities under the United States Constitution as would be guaranteed any citizen of the United States if tried by a Federal court for any similar offense, (2) assure that any individual being tried for an offense by a court of Indian crimes or tribe offenses has been duly advised and made aware of his rights under the United States Constitution, and under any tribal constitution applicable to such individual, (3) establish proper qualifications for the office of judge of the court of Indian offenses, and (4) provide for the establishment of special court systems for the training of judges of courts of Indian offenses. In carrying out the provisions of this title, the Secretary of the Interior shall consult with the Indians, Indian tribes, and interested agencies of the United States.

Sec. 302. There is hereby authorized to be appropriated $500 per Indian tribe, necessary to carry out the provisions of this title.

TITLE IV—JURISDICTION OVER CRIMINAL AND CIVIL ACTIONS

ASSUMPTION BY STATE

Sec. 401. (a) The consent of the United States is hereby given to any State not having jurisdiction over criminal offenses committed by or against Indians in the areas of Indian country situated within such State to exercise jurisdiction over such offenses committed within such Indian country, if the State has jurisdiction over any such offense committed elsewhere within the State, and the criminal laws of such State shall have the same force and effect within such Indian country or part thereof as they have elsewhere within the State, and the criminal laws of such State shall have the same force and effect within such Indian country or part thereof as they have elsewhere within the State.

(b) Nothing in this section shall authorize the assumption, encumbrance, or taxation of any real or personal property, including water rights, belonging to an Indian tribe, band, or community that is held in trust by the United States.

(c) Any tribal ordinance or custom herebefore, in effect within an Indian tribe, band, or community in the exercise of any authority which it may possess, if not inconsistent with any applicable civil or criminal law of the United States, shall have full force and effect in the determination of civil causes of action pursuant to this section.

RETROCESSION OF JURISDICTION BY STATE

Sec. 403. (a) The United States is authorized and directed to accept by retrocession of law, of all or any of the criminal or civil jurisdiction, or both, acquired by such State pursuant to title 18 of the United States Code, section 1900 of title 28 of the United States Code, or section 7 of the Act of August 15, 1965 (77 Stat. 598), as it was in effect prior to its repeal by subsection (b) of this section.

(b) Section 7 of the Act of August 15, 1965 (77 Stat. 598) is hereby repealed of any enabling Act for the admission of a State, or the consent of the Indian tribe, band, or community, or proceeding, such cession shall take effect before the effective date of such cession, if the offense charged in such action was cognizable under any law of the United States at the time of the commission of such offense.

SPECIAL ELECTION

Sec. 404. State jurisdiction acquired pursuant to this title with respect to criminal offenses or civil causes of action, or with respect to both, shall be subject to a special election held in Indian country only where the enrolled Indians within the affected area of such Indian country accept such jurisdiction by a majority vote of the adult Indian population at a special election held for that purpose. The Secretary of the Interior shall call such special election within forty-five days after the request has been made, as he may prescribe, when requested to do so by the tribal council or other governing body, or by 20 per centum of such enrolled adults.

AMENDMENT

Sec. 404. (b) With respect to the request, such cession shall take effect on the day following the date of final determination of such action.

TITLE V—OFFENSES WITHIN INDIAN COUNTRY

AMENDMENT

Sec. 401. Section 1193 of title 18 of the United States Code is amended by inserting after the words "punishable by imprisonment" the words "assault resulting in serious bodily injury.",

TITLE VI—EMPLOYMENT OF LEGAL COUNSEL

AMENDMENT

Sec. 601. Notwithstanding any other provision of law, if any application made by an Indian, Indian tribe, Indian council, or any band or group of Indians under any law relating to the employment of legal counsel (including any law authorizing the fixing of fees by any such Indians, tribe, council, band, or group is neither granted nor denied within ninety days following the filing of such application, such approval shall be deemed to have been granted.

TITLE VII—MATERIALS RELATING TO CONSTITUTIONS WITS OF INDIAN COUNTRY

SECRETARY OF INTERIOR TO PREPARE

Sec. 701. (a) In order that the constitutional rights of Indians might be fully protected, the Secretary of the Interior is authorized and directed to--

(1) have the document entitled "Indian Affairs, Laws and Treaties" (Senate Document Numbered 767, 71st Congress, 1st and 2nd Sessions) revised and extended to include all treaties, laws, Executive orders, and regulations relating to Indian affairs in force on September 1, 1957, and to have such revised document printed at the Government Printing Office;

(2) have revised and republished the treaty entitled "Federal Indian Law";

(3) have prepared, to the extent determined by the Secretary of the Interior, an accurate compilation of the officials published, and unpublished, of the Solicitor of the Department of the Interior, and laws and regulations relating to Indian affairs in force on September 1, 1967, and to have such compilation printed at the Government Printing Office;

(4) with respect to the request, such cession shall take effect on the day following the date of final determination of such action.

CONSULTATION/AMENDMENT

Sec. 404. The provisions of any enabling Act for the admission of a State, or the consent of the Indian tribe, band, or community, or proceeding, such cession shall take effect before the effective date of such cession, if the offense charged in such action was cognizable under any law of the United States at the time of the commission of such offense.
TITLE VIII—FAIR HOUSING

SEC. 801. It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States.

DEFINITIONS

SEC. 802. As used in this title—
(a) "Secretary" means the Secretary of Housing and Urban Development;
(b) "Dwelling" means any building, structure, or portion thereof which is occupied as, or held for use as, a residence by one or more individuals, or part thereof which is occupied as, or held for use as, a residence by one or more individuals, or vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.
(c) "Family" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.
(d) "Discriminatory housing practice" means any act that is unlawful under section 804, 805, or 806.
(e) "The United States" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any of the territories and possessions of the United States.

EXEMPTIONS BASED ON CERTAIN PROHIBITIONS

SEC. 803. (a) Subject to the provisions of subsection (b) and section 807, the prohibitions against discrimination in the sale or rental of housing set forth in section 804 or shall apply:

(1) Upon enactment of this title, to—
(A) dwellings owned or operated by the Federal Government;
(B) dwellings provided in whole or in part with the aid of loans, advances, grants, or contributions made by the Federal Government, under agreements entered into after November 20, 1962, unless payment due thereon has been made in full prior to the date of enactment of this title;
(C) dwellings provided in whole or in part by loans insured, guaranteed, or otherwise assured by the Federal Government, under agreements entered into after November 20, 1962, unless payment thereon has been made in full prior to the date of enactment of this title;
(D) dwellings provided by the development or redevelopment of real property purchased, rented, or otherwise obtained from a State or local public agency receiving Federal financial assistance for slum clearance or urban renewal with respect to such real property or for the making of any mortgage, grant contracts entered into after November 20, 1962.
(2) After December 31, 1968, to all dwellings covered by paragraph (1) and to all dwellings constructed or acquired for Federal financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessors, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given.

SEC. 804. As made applicable by section 803 and any of the prohibitions set forth in section 803 and shall be unlawful—
(a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, other than five, any dwelling solely because of the fact that they are subject to mortgages held by an FDIC or FSLIC institution; and
(b) Nothing in section 804 (other than subsection (a)) shall apply to—
(1) any single-family house sold or rented by an owner: Provided, That such individual owner does not own more than four such single-family houses as of one time: Provided further, That in the case of the sale of any such single-family house by a private individual owner, the proceeds from the sale shall not be used for any purpose other than the purchase of another dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of any such loan or other financial assistance or the purpose of such loan or other financial assistance, or of the present or prospective owners, lessors, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given.

SEC. 805. Nothing in this title shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by a religious organization, association, or society, from refusing to sell or rent, or offering, negotiating, or otherwise making available, any dwelling to persons of the same race, color, religion, or national origin, if the refusal is necessary to the operation of such religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by it, and to persons of the same race, color, religion, or national origin, if the refusal is necessary for the operation of such religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by it; provided, That nothing contained in this section shall impair the scope or effectiveness of the exception contained in section 803 (b).
powers shall be appointed and shall serve in the Department of Housing and Urban Development in compliance with sections 5703, 5704, and 5705 of the United States Code. Insofar as possible, conciliation meetings shall be held in the cities or other localities where discriminatory housing practices allegedly occurred. The Secretary shall by rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the Department, to boards of officers or to himself, as shall be appropriate and in accordance with law.

(d) All executive departments and agencies shall administer their programs and activities relating to housing in such manner as to further affirmatively to the purposes of this title and shall cooperate with the Secretary to further such purposes.

(e) The Secretary of Housing and Urban Development shall:

(1) make studies with respect to the nature and extent of discriminatory housing practices in representative communities, urban, suburban, and rural, throughout the United States;

(2) publish and disseminate reports, recommendations, and information derived from such studies;

(3) cooperate with and render technical assistance to Federal, State, local, and other public or private agencies, organizations, and institutions engaged in programs or activities relating to housing and urban development in a manner which is appropriate to further such programs or activities as in his judgment will further the policies of this title.

(5) administer the programs and activities relating to housing and urban development to the extent that such programs or activities are appropriate to the purposes of this title.

EDUCATION AND CONCLUSION

Sec. 809. Immediately after the enactment of this title the Secretary shall commence such educational and conciliatory activities as in his judgment will further the purposes of this title. He shall call conferences of persons in the housing industry and other persons he may deem appropriate to consult with them in the provisions of this title and his suggested means of implementing it, and shall endeavor to work out the means of voluntary compliance and of enforcement. He may pay per diem, travel, and transportation expenses for persons who attend such conferences as are provided for in section 5703 of title 8 of the United States Code. He shall consult with State and local officials and other interested parties to learn the extent, if any, to which housing discrimination exists in their State or locality, and whether and how State or local enforcement programs might be utilized to combat such discrimination in connection with or in place of, the Secretary's enforcement of the provisions of this title. The Secretary shall issue reports on such conferences and consultations as he deems appropriate.

ENFORCEMENT

Sec. 810. (a) Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irreversibly injured by such a practice if it is not curtailed or stopped by an enforcement program or practice that is about to occur (hereafter "person aggrieved") may file a complaint with the Secretary. Complaints shall be in writing and shall contain such information and be in such form as the Secretary requires. Upon receipt of such a complaint the Secretary shall obtain all information as to the facts the person or persons who allegedly committed or are about to commit the alleged discriminatory housing practice. Within thirty days after receiving a complaint, or within thirty days after the expiration of any period of reference under subsection (c), the Secretary shall issue a notice to the person aggrieved and the person or persons believed to have committed such discriminatory housing practice. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this title without the written consent of the persons concerned. Any employee of the Secretary who shall make public any information in violation of this subsection shall be liable to a fine of not more than $1,000 or imprisonment for not more than one year.

(b) A complaint under subsection (a) shall be filed within one hundred and eighty days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are reasonably and fairly amended at any time. Respondents may file an answer to the complaint against him and with the leave of the Secretary, which shall be granted reasonably and fairly to do so, may amend his answer at any time. Both complainants and respondents shall have the right to present witnesses and to introduce documentary and other evidence which does not relate to the facts upon which the complaint is based.

(c) Wherever a State or local fair housing law provides rights and remedies for alleged discriminatory housing practices which are substantially equivalent to the rights and remedies provided in this title, the Secretary shall notify the appropriate State or local official of an amendment to this title which appears to constitute a violation of such State or local fair housing law, and the Secretary shall take no further action with respect to such complaint if the appropriate State or local law enforcement official has, within thirty days from the date the alleged offense has been brought to his attention, commenced proceedings in the matter, or, having done so, carried forward such proceedings with reasonable promptness. In no event shall the Secretary take further action unless he certifies that in his judgment, under the circumstances of the particular case, the enforcement of such State or local law would be reasonably and fairly carried out by the appropriate State or local law enforcement official.

(d) If within thirty days after a complaint is filed with the Secretary, or within thirty days after expiration of any period of reference under subsection (c), the Secretary has not taken action under this section, the person aggrieved may, within thirty days thereafter, commence a civil action in any appropriate district court. In such an action, the respondent named in the complaint to enforce the rights granted or protected by this title, unless the complaint is dismissed under the applicable provisions of the complaint: Provided, That no such civil action may be brought in any United States district court if the person aggrieved has an adequate remedy in the appropriate State or local fair housing law which provides rights and remedies for alleged discriminatory housing practices which are substantially equivalent to the rights and remedies provided in this title. Such actions may be brought without regard to the amount in controversy in any district or circuit court within the State or local court district in which the discriminatory housing practice is alleged to have occurred or be about to occur, in any district or circuit court within the State or local court district in which the discriminatory housing practice is alleged to have occurred or be about to occur. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may, subject to the discretion of the court, order the respondent from engaging in such practice or order such affirmative action as may be appropriate.

(e) In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.

(f) If any action filed by the person aggrieved is dismissed for lack of jurisdiction or for any other reason, or if the Secretary in his discretion shall so order, the cause of action, or any part thereof, shall be reinstated, and the Secretary may, upon direction of the court, take such action, including appropriate administrative action, as may be necessary to obtain voluntary compliance.

INVESTIGATIONS; SUBPENAS; GIVING OF EVIDENCE

Sec. 811. (a) In conducting an investigation the Secretary shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or sources of evidence which he may examine, record, and copy such materials and take and record the testimony or statements of witnesses as are necessary for the furtherance of the investigation: Provided, however, That the Secretary first complies with the provisions of the fourth amendment relating to unreasonable searches and seizures. The Secretary may issue subpoenas to compel his access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent to the same extent and subject to the same limitations as subpoenas issued by the Secretary himself. Subpoenas issued at the request of a respondent shall show on their face the nature of the investigation and shall state that they were issued at his request.

(b) Witnesses summoned by subpoena of the Secretary shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States district courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him.

(d) Within five days after service of a subpoena, or any part thereof, any person may petition the Secretary to revoke or modify the subpoena. The Secretary shall grant the petition if it is shown that deficiencies appear in the appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any rights of the person against whom it issued does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

(c) In case of contumacy or refusal to obey a subpoena, the Secretary or other person at whose request it was issued may petition for its enforcement in the United States district court for the district in which such person resides, or in which such person's business, or where any of the things to be inspected are, or where the record, or other document submitted to the Secretary pursuant to his subpoena or other order, or shall willfully neglect or fail to obey or appear at any reasonable time or place, that such person may, in the discretion of the court, be subjected to the penalties prescribed by the fourth amendment of the Constitution of the United States.
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taller including a flammable liquid or compound, and a wick composed of any material which, when ignited, is capable of supporting combustion, and, (b) can be carried or thrown by one individual acting alone.

"(8) The term 'fireman' means any member of a fire department (including a volunteer fire department) of any State, any political subdivision of a State, or the District of Columbia, whether engaged in the prevention or extinguishment of any fire, in the performance of duty as a fireman, or in the performance of duty as an officer of any of the criminal laws of the State, or the District of Columbia."

"(7) The term 'law enforcement officer' means any officer or employee of the United States, any political subdivision of a State, the District of Columbia, any organized militia of any State, any political subdivision of a State, the District of Columbia, or Puerto Rico, acting alone.

"(9) A violation of a provision of any political subdivision of a State, or the District of Columbia, where emotions are apt to run high, the proof of others began building until finally its passage was assured."

"Words cannot emphasize too much the great contribution of the minority leader [Mr. DRAKESEN] in this debate. He played a vital role in shaping this measure, as the old saying goes; 'Many hands make light work.'

"There were many in this Chamber, I know, who would have been politically more comfortable if the issue had crept away to a quiet death and yet who voted to preserve this bill for the sake of principle."

"I think all Senators realize that in legislating in areas involving delicate issues where emotions are apt to run high, the merit of a bill should be able to withstand the most careful scrutiny. Those who opposed this proposal provided such a test."

"They too deserve our praise and gratitude. Notable was the contribution of the distinguished Senator from Georgia [Mr. Russell], the distinguished Senator from Mississippi [Mr. Stennis], and others who opposed this legislation."

"But in the final analysis, this bill did withstand the test, and its overwhelming support speaks abundantly for its merit. We may all be pride of an outstanding achievement."

"The PRESIDING OFFICER (Mr. Byrd of Virginia in the chair). Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered."

"The Sergeant at Arms will carry out the order.

"Mr. HART. Mr. President, I yield to the Senator from Illinois."

"Mr. DRAKESEN. Mr. President, not as a postscript, because a postscript is an afterthought, but because I wanted to put it in a separate package, I want to express my gratitude and appreciation to the staff members who were extremely helpful in the formulation of this bill.

"The staff members from Senator Mondale's office, Senator Hart's office, Senator Mansfield's office, Senator Hart's office, Senator Sensenbrenner, and my office did a valuable帮件 of work, and I shall be forever grateful to them for the time and attention they devoted.

"Mr. HART. Mr. President, my feelings today are with the Senator from Virginia, as those of mingled surprise and gratitude."

"I still feel at least a mild surprise that we have passed a strong housing bill and I am profoundly grateful to those Senators whose votes made it possible.

"This was an issue that the Senate might easily have avoided, especially in the light of the fact that hardly anyone expected anything else.

"Mr. Chairman-and the others who opposed this proposal provided such a test."

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"Mr. DRAKESEN. Mr. President, not as a postscript, because a postscript is an afterthought,

"But today I have never been prouder to be a Member of the U.S. Senate—and I submit that observation with a measure of humility.

"Mr. HART. Mr. President, I do not often rise to praise this institution. For one thing, any praise for a body of which you are a member must necessarily carry a hint of self-congratulation."

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younger than most of us, is already
greatly to be relied on for steady coun-
sel and dependability. These virtues were
shown again during this debate and
marked his work in the Judiciary Com-
mitee on this bill.

Senator Dirksen: Without him, there
would have been no bill and no one need
have dreamed that this one would be about it. His decisions
were the right ones—not the easy ones—
and they have caused him difficulties
that he might more easily have avoided.
We all owe him a vote of thanks. And
I do with him mine.

The patience and strong support of the
able majority leader, Senator Mansfield,
deserves a tribute. Without him, there
would have been no bill. It was Senator
Mansfield who saw the necessity that
the bill be scheduled for the opening of
the session. It was Senator Mansfield
who supported four cloture efforts—
something never before attempted by
Senate leadership.

There was splendid work put in by
Senator P新的 Senator Thomas. And
let us make no mistake, the President and
the Vice President, in every appropriate
way, helped us survive 8 weeks of debate
and achieve passage.

We have taken a significant step to-
ward justice in this Nation, a significant
step—I think—to racial peace. Let
me read at this point, a few words by
Kenneth B. Clark, eminent Negro psy-
chologist and author who, I note in the
newspaper, said this in testimony before
the National Commission on Civil
Rights:

The fact of the ghetto is not accidental.
This is the one area in which there was urban
planning, but urban planning towards hu-
mor degradation—just as concentration
camps were planned. Ghettoes in America,
in our most liberal cities—and that is another
irony—racial ghettos are noncontributions to
America’s racial problems. They were planned
to confine Negroes. Techniques were devel-
oped to make this confinement as rigorous
and rigid as possible. And some of the most
repugnant and cruel practices were very
effective instruments of such conspiracy.

Mr. President, I do not propose to get
into an argument over whether the
ghetto is the result of a conspiracy. I
submit that for our purposes it makes no
difference whether it is.

The important thing is that Negroes—
who have indeed been living in black
compounds for whatever reason, can look
upon the facts from their side of the wall
and honestly believe that such a con-
spicuity must exist to have created these
conditions.

And if you look at it from the Negro’s
point of view, you can understand how
he might have arrived at such a conclu-
sion—a conclusion that many of us
might be tempted to dismiss as patently
ridiculous.

If this bill does nothing else, it should
certainly demonstrate our recognition
that the domestic well-being of the Na-
tion depends on full participation by all
races.

I think we can all be hopeful that our
action will be received as a sincere show
of our feelings. And let us all remember
that this is not a bill to just upgrade the
Negro’s credit—

It is a bill that will upgrade America.

Mr. Javits. Mr. President, will the
Senator yield?

Mr. HART. I yield.

Mr. Javits. Mr. President, I should
like to express the personal gratification
I have in working so closely in this
matter with Senators Hart and Mondale
on the Senatorial Majority side and with
Senator Morse and Senator Dirksen and
of Senator Scott, of the Committee on
the Judiciary—all of whom helped
enormously in this field.

I should also like to express my appre-
ciation to Senator Bakes, who, though
did not agree with us all the time, was
a very key factor in the reconciliation of
the views of Senator Dirksen and our-
selves. I have already paid my tribute to
the minority leader.

Whether I have agreed with or dis-
 agreed with particular amendments that
were written in, or whether I voted for
or against them, I am very proud of the
final product, which represents a real
achievement and shows the Senate of
the United States can operate when it
really gets its teeth into a matter and
wants to act.

I repeat that I believe this will be an-
other historic milestone in the long prog-
ress from a century of neglect of the Ne-
gro minority, an effort to deal with the
new sociological migration in our coun-
try, which has so emphasized the prob-
lem of the slums and the ghettos, and
will represent, in my judgment, a basic
factor in the tranquility of our people
and in the hopefulness which those in
the ghettos may see for a better tomorrow.

I feel very deeply that the Senators
whose names I have mentioned have
every right to feel in their hearts that
they have made a major contribution to
the country. If Senator Pacey will permit
me, Mr. President, to say something about
the country, and I am certain those of us who were active
in this matter feel precisely that way.

Mr. Mondale. Mr. President, today
the Senate has enacted a bill—the civil
rights legislation, including a strong fair
housing title—achieved by the determi-
ation of the United States can operate when it
really gets its teeth into a matter and
wants to act.

Racial segregation in housing is one
element in the Negro disillusionment and
despair which the riot Commission
warns is leading us to two Americas, one
black and one white. The need to end
discrimination in housing is manifest.
The Senate has responded with a good
fair housing bill—achieved by the de-
termination of the civil rights leader-
ship to have a bill.

The open housing provisions will lower
racial barriers by three stages in the sale
and rental of $2.6 million housing units.
It will become effective immediately to
bar discrimination in federally assisted
housing. The second stage, covering mul-
tifamily housing as apartments—but
excluding group homes of four or fewer
units, including boarding
Mr. MONDALE. The coverage of the fair housing provisions is far greater than we had anticipated, but I must warn that this bill is only a foot in the door. It does nothing affirmative to relieve the problem of housing, and the rental of housing. A person is left with all of his rights to sell to whom he pleases—the first buyer with cash who makes a cash down payment. There is no proscription for fair housing by the bill, but there is one thing he cannot do: he cannot if he uses a real estate broker refuse on the grounds of race to sell to a Negro buyer. 

Mr. JAVITS. Mr. President, I hope that the House of Representatives recognizes—as the Senate has come to recognize—the absolute need for fair housing legislation. The House passed a fair housing provision 2 years ago—but many caution that prospects for House passage this year are not bright. I know that prospects were dim for Senate passage even then, and by today. Determination by Members of the House can achieve the same result there. Only then will this fair housing legislation be law. 

If this bill becomes law, the words “justice” and “fairness” will mean more to millions of our fellow Americans than they do today. I could not let this moment go by without joining with the other Senators to express my appreciation to the sponsor of the substitute, the distinguished Senator from Minnesota, who so ably and graciously developed this substitute and led the fight which has just been successfully concluded. I could not let this moment go by without expressing my appreciation to the coauthor of the original fair housing proposal, the Senator from Massachusetts [Mr. Boxer] and my colleagues on the Committee on Banking and Currency, a majority of whom joined to support the original fair housing proposal; to Senator Javits and the many others who performed so ably and so effectively; to our remarkable Attorney General Ramsey Clark; to the President of the United States, who placed the full prestige of his office in support of this proposal, and who was personally involved to see that we arrived at this important day. 

Perhaps I can be excused for saving the highest compliment of all for one of America’s truly great citizens, one of the really magnificent gentlemen I have ever known, the able leader of this proposal, Senator HART. I feel that not even these words express fully what I try to say. Senator HART is not only a remarkably gifted Senator and attorney but, more than that, he is a totally committed decent citizen. The Senate, the country, and the world are better for him, and I shall forever value having had this opportunity to work with him on this proposal. 

Mr. President, if this bill becomes law, as I am sure it will, the words justice and fairness will mean more to millions of fellow Americans than they do today. 

Mr. HART. Mr. President, all I can say is, thank you, I am grateful to the Senator. Fair housing is in the bill and it is in the bill because of the Senator from Minnesota. 

Mr. KENNEDY of Massachusetts. Mr. President, I wish to echo the sentiments so well expressed by the Senator from Minnesota [Mr. MONDALE]. 

Passage of a 1968 civil rights bill in the Senate has been the result of an extraordinary effort by many Members of this body, both on this side of the aisle and also among our Republican friends on the other side of the aisle. We have all had an opportunity to see the efforts made here in this Chamber, and I also wish to note the extraordinary amount of work by the distinguished manager of the bill [Mr. HART], which went into this legislation in committee. 

As a member of the Committee on the Judiciary, I have seen over the last 3 to 4 years the dedication of the Senator from Michigan when the issues of civil rights protection and housing legislation came before that committee. I can attest personally to the extraordinary effort by the distinguished manager of the bill in raising this issue, keeping it alive, and bringing to the debate on it his foresight, intelligence, and concern. It is therefore especially appropriate, as we recognize the contributions made by so many in the Senate during this period, to recognize as well the great efforts made by Senator HARR to lay a strong foundation for this bill in the Committee on the Judiciary. 

Certainly today we celebrate not only the past few weeks of effort which have brought us affirmative Senate action but also the many months and years of deliberation and concern that have laid the predicate for this landmark legislation, under Senator HARR's leadership and with the work, support, and encouragement of the many other Senators who have participated in this effort. The Senate can certainly be proud of itself today, for we have shown that the combination of hope and hard work with the goals of justice and fairness can produce action for progress through the democratic process. 

Mr. HART. The coverage of the fair housing provisions is far greater than we had anticipated, but, of course, were the vote on cloture, when two-thirds of the Members present and voting, voted cloture, and, the vote today when the Senate overwhelmingly passed the bill. 

Mr. President, it has been a rewarding experience to work on this important and essential piece of legislation. I have the most profound respect for the many colleagues who worked on this legislation. They have been named on the floor this morning. If the President of the Senate would indulge me, I cannot help but name them. 

The distinguished floor leader of this bill, the Senator from Michigan [Mr. Harr], who has given so much of his time, attention, and dedication to the passage of this legislation, certainly must be commended. He has been a dedicated, worthy and able colleague, the senior Senator from New York [Mr. Javits]. The two of them have given yeoman leadership to this legislation and certainly deserve our praise and commendation. 

I am especially pleased to have worked with the distinguished Senator from Minnesota [Mr. Mondale]. Senator Mon-da-le has persevered; he has had faith, he has patience, and he has been a most effective proponent of this important legislation. When I joined with him as a cosponsor of the Mondale-Brooke open housing amendment to the legislation, I did not foresee that across the country had a belief that this legislation would be passed in this session of the Senate. I commend the Senator from Minnesota [Mr. Mondale] for that confidence, faith, and perseverance. 

I also wish to single out the distinguished Senator from Illinois [Mr. Percy], my Republican colleague, who came in with us and worked hard night and day in order to persuade Members on the Republican side that they should support this worthy legislation. I also wish to single out the distinguished Senator from Tennessee [Mr. Baker] who, as has been said, was not always with us, but was most dedicated, especially with the distinguished minority leader on the substitute bill in final form. 

Of course, Mr. President, I wish to give commendation to the distinguished Majority Leader for his patience, because all the way through the time that we needed time to work out the legislation the distinguished majority leader at all times was willing to listen to us and work with us and give
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us the time that was so essential in passing this important legislation.

More importantly for what he has done in the Senate and for the country.

I also wish to commend the distinguished minority leader, Senator Everett Dirksen, without whom this bill could not have been passed.

I also wish to commend the Chairman of the distinguished Senator from Illinois [Mr. Percy], who joined as a co-sponsor of this measure and fought shoulder to shoulder with the rest of us to bring us to victory. And I want to say that his dedication is a very inspiring and shows progress.

Mr. President, will the Senator from Illinois, Mr. Percy, Mr. President, have there been two names which I think should be mentioned in addition to the others. A week ago today we were not quite sure whether they would vote for cloture. I refer to the distinguished Senator from Kansas [Mr. Carlson] and the distinguished Senator from Iowa [Mr. Muskie]. Even after voting had started, they both still had deep concerns and reservations as to whether the legislation in its present form was right. They certainly would not have voted for cloture if they had not felt they would have the opportunity to evaluate, argue for and vote on amendments to the bill that would have given the public a chance to debate.

We are deeply appreciative of their faith in the Senate. We are also deeply grateful for the votes for cloture on that now historic day that gave the Senate the opportunity to work its will on this measure.

In thinking back over 3½ years of campaigning for public office, attending hundreds of county fairs, shaking hands with hundreds of thousands of people and traveling tens of thousands of miles, I can easily say that all of that has been worth the privilege of being a part of the effort in taking this great step forward toward our day in the society. To see this great two-party system operate, to see men who have authored a bill step aside to have a substitute amendment placed instead of requiring their understanding, and to see the dedication of all those who have contributed to this legislative accomplishment according to their own deep convictions have been a very inspiring and humbling experience for a freshman Senator.

The efforts of my distinguished senior colleague from Illinois [Mr. Dirksen] have contributed enormously to this achievement—I again commend the wisdom and the persistence in his present form was right. The constructive mark is on this bill.

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sions that I voted against final passage of the bill. The Senate also added to the original civil rights protection bill several anti-riot amendments. One would make it a Federal offense to travel in interstate commerce for or on interstate facilities with intent to incite, organize, or take part in a riot. Another would make a person subject to criminal penalties if he instructed another person in the use of a firearm, explosive, or incendiary device to commit a riot. Another would make a person who constructed another person in the use of a firearm, explosive, or incendiary device to commit a riot, and sentenced to term which Federal lands have been donated to tribes and, invariably, minerals have been included. The conference do not believe that it would be fair to withhold minerals in this case since they are of nominal value.

Mr. President, I move adoption of the conference report.

The PRESIDING OFFICER. The question is on adoption of the conference report.

The report was agreed to.

MESSAGE FROM THE HOUSE—EN- FORCED JOINT Resolution SIGNED

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the Vice President:

S.889. An act to designate the San Rafael Wilderness, Los Padres National Forest, in the State of California; and S.J. Res. 129, Joint resolution to approve long-term contracts for delivery of water from Navajo Reservoir in the State of New Mexico, and for other purposes.

SUPPLEMENTAL APPROPRIATIONS, 1968

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 993, H.R. 15389.

The PRESIDING OFFICER. The bill will be tabled by title.

The Assistant Legislative Clerk. A bill (H.R. 15389) making supplemental appropriations for the fiscal year ending June 30, 1968, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments.

Mr. HILL. Mr. President, the bill, H.R. 15389, the urgent supplemental appropriation bill, 1968, came to the Congress with budget requests in the amount of $1,216,020,863. The bill as it passed the House on February 20, 1968, contained $1,214,780,863.

The bill as reported to the Senate contains a total of $1,380,445,863, an increase over the budget estimates of $164,425,000, and over the House allowance by $165,665,000.

Added by the Senate committee was $25,000,000—which was the Mundt-Holland amendment—for the direct loan account of the Farmers Home Administration to be derived from the direct loan account established pursuant to the Consolidated Farmers Home Administration Act of 1961.

Mr. President, the committee amendment which provides $25 million additional for operating loans for the Farmers Home Administration simply by the $300 million authorization for such loans which was provided in the Appropriation Act for fiscal year 1968.

After enactment of the appropriation bill the Congress approved House Joint Resolution 888, authorizing reductions in obligations. As a result of this, the operating loan fund was reduced to $757 million. It is obvious that there is need in the various States for the additional amount carried in the Senate amendment and I recommend its adoption by the Senate.

I should like to present a summary which shows the status of operating loan funds by States as follows: First, in eight States applicants were informed that due to the commitment of all available funds, it was impossible for them to process either initial or subsequent loans; and, second, in addition, there were 13 States in which farmers had been advised that no loan funds remained available for processing of initial loans.

Under the law and existing regulations, farmers are not entitled to obtain loans from the operating loan fund of the Farmers Home Administration unless a showing is made that they are unable to obtain production credit from other sources. There is a heavy demand for farm credit and unfortunately in many rural areas the agricultural banks are already fully committed and such banks are willing to limit their loans to their prime customers. In view of this, there are some farmers whose credit requirements were previously served by such banks and who are now being denied credit and have come to the Farmers Home Administration for production credit for this year.

Added was $500,000—by the Senator from Arizona [Mr. Hayden]—for “Forest protection and utilization” of the Forest Service. The Federal share of replanting improvements on national forest ranges in Arizona damaged in the extremely heavy snowstorms of December 1967. Because use of these ranges is necessary throughout the year, rehabilitation is urgent.

The committee also added—by the Senator from West Virginia [Mr. Byrd]—$75,000,000 for “Manpower development and training activities” under the Employment and Training Act of 1962 to be used for “Neighborhood Youth Corps type” projects.

Congress had an estimate for $28,800,000 for “Unemployment compensation for Federal employees and ex-service men” which was allowed in its entirety by the House. This item was not fully explained to the Senate Committee on Appropriations and $800,000 sought for trade adjustment activities was deleted in the absence of clear information on the need for the funds. We expect to have the full story in time for the conference between the two Houses on the item.

Mr. RANDOLPH. Mr. President, will the Senator from Alabama yield?

Mr. HILL. I yield.

Mr. RANDOLPH. Appropriate mention has just been made of the amendment sought by the Senator from West Virginia [Mr. Byrd]. In the amount of $75 million for summer jobs. I had the privilege of joining him in sponsoring the amendment, and discussed it with him prior to the markup, I realize that prior to acceptance of that figure, the $150 million proposal of the Senator
from New York [Mr. Javits] and the Senator from Texas [Mr. Yarborough] had been, I believe, substantially defeated; but there was the feeling within the committee that the efforts of the Senator from New York [Mr. Javits], the Senator from Texas [Mr. Yarborough], and other Senators, focused attention on the problem.

Let me express my thanks to the committee, and my approval of the leadership that my colleagues, Mr. Byrd of West Virginia, has rendered in this vital effort.

The additional $75 million to be appropriated for the Manpower Administration of the Department of Labor is a crucial item in this bill. This will provide funds for an estimated 170,000 summer jobs for our Nation's disadvantaged youth. These jobs will be Neighborhood Youth Corps type jobs. In addition to providing job experience and income for the young people, the program will enable urban and rural communities to have valuable assistance in undertaking community enhancement projects. Many of these will be projects which might never have been undertaken under the limited resources of our communities.

Mr. President, the work which will be provided through this supplemental appropriation are much needed. I have long been an advocate of job-experience programs for our young people, so that they might have the opportunity to learn, to earn, to gain self-respect, and to realize the value of accomplishment. It is my genuine hope that the Senate position will prevail.

Mr. HILL. Let me say to the Senator from West Virginia that I well recognize his long and deep interest in manpower development and training activities. I know that as a member of the Committee on Labor and Public Welfare, he has taken the leadership in bringing forth programs for manpower development and training activities. Certainly, he is entitled to great credit for the fine work that he has done.

Mr. RANDOLPH. I thank the Senator from Alabama very much. It has been a privilege to serve under his excellent chairmanship.

Mr. HILL. Mr. President, for Public Law 87-4 as amended, for maintenance and operation of public schools in the federally affected areas, as authorized by Public Law 87-4, the committee added $90,965,000, a sum sufficient to pay entitlements in full for the fiscal year 1968-69 to schools heretofore appropriated, $395,390,000.

Mr. RANDOLPH. Mr. President, I am gratified that the Senate Appropriations Committee has accepted the amendment to provide an additional $90,965,000, for school assistance in Federally affected areas, under Public Law 87-4. It was my privilege to join with the distinguished chairman of the Education Subcommittee, Senator Mosses, in advocating the added appropriation. There were other Senators who pressed for approval.

These funds are important to many of our school areas across the Nation, including my own State of West Virginia. As a member of the subcommittee, in approving this amendment will provide for the payment of full entitlement to school districts for operation and maintenance. School districts plan in advance for the utilization of this money. Without the additional $90 million, many school districts would be severely hampered in program implementation and financial planning.

Mr. President, I commend the chairman and other members of the Senate Appropriations Committee.

Mr. HILL. The bill contains the full budget estimate for "Grants to States for public assistance, $1,135,000,000, and $1,900,000 in new obli-gational authority for "Grants for rehabilitation services and facilities," for statewide planning grants authorized by the Vocational Rehabilitation Amendments of 1967.

The committee increased the full amount sought, $50,989,883, for claims and judgments. It was necessary however to amend the item by adding words for the transfer of funds from the postal fund in the amount of $174,324. The Bureau of the Budget in the budget message submitted to the Congress inad-vertently failed to point this out in the message.

Mr. President, I am aware of the concern that the committee amendments be agreed to en bloc and that the bill as thus amended be considered for the purpose of amendment as original text; provided, however, that no point of order against any amendment be deemed to have been waived by the adoption of this agreement.

The PRESIDING OFFICER. Is there objection?

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. HILL. I yield to the distinguished Senator from South Dakota.

Mr. MUNDT. Mr. President, I suggest that the Senator from Alabama may like to be seated, as I proceed to discuss the bill.

Mr. CLARK. Mr. President, will the Senator yield to me for 30 seconds?

Mr. MUNDT. I yield to the Senator from Pennsylvania for 30 seconds.

Mr. CLARK. I heard a unanimous-consent request made. I did not hear what it was. Was there anything in the request which would prevent the offering of an amendment on the floor?

Mr. HILL. Mr. President, no. The Senator from Pennsylvania knows that I would never propose a unanimous-consent request to prohibit the offering of an amendment on the floor.

Mr. CLARK. The rightous indignation of the Senator indicates that no such request was made. I thank the Senator for yielding.

Mr. MUNDT. As the ranking minority member of the subcommittee, I would like to congratulate the Senator from Alabama [Mr. HILL].

The PRESIDING OFFICER. Would the Senator indicate whether he would like the unanimous-consent disposed of first?

Mr. MUNDT. Is there a unanimous-consent request before us?

The PRESIDING OFFICER. Yes.

The question is on agreeing to the unanimous-consent request of the Senator from Alabama.

Is there objection? The Chair hears none, and it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, after line 1, insert:

"DEPARTMENT OF AGRICULTURE"

"FARMERS HOME ADMINISTRATION"

"DIRECT LOAN ACCOUNT"

"For an additional amount for 'Direct Loan Account', for operating loans, $26,000,000.

On page 2, after line 6, insert:

"FOREST SERVICE"

"FOREST PROTECTION AND UTILIZATION, FOREST LAND MANAGEMENT"

"For an additional amount for 'Forest protection and utilization', for 'Forest land management', $500,000.

On page 2, after line 12, insert:

"MANPOWER ADMINISTRATION"

"MANPOWER DEVELOPMENT AND TRAINING ACTIVITIES"

"For an additional amount to carry out the provisions of section 102 of the Manpower Development and Training Act of 1962, as amended, $70,000,000.

On page 2, line 22, after the word "employees," strike out "$28,800,000" and insert "$23,000,000".

On page 3, after line 2, insert:

"OFFICE OF EDUCATION"

"SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS"

"For an additional amount for payments to local educational agencies for the maintenance and operation of schools as authorized by title I of the Act of September 30, 1950 (Public Law 87-75), as amended, $80,985,000."
of a Presidential order freezing $25 million of the funds which Congress had appropriated last year for this very important loan program for American farmers. As the result of that freeze order, the FHA has been trying out a whole new concept of measuring whether or not a farmer should be entitled to a loan, making it sometimes very much like a poverty oath. I thought we had long ago discontinued insistence on a poverty oath for our citizens, but the FHA Administrator has been applying a new, stringent means test to farmers seeking to borrow money to expand their operations or take care of expenses for spring planting and treatment of the land.

In this era of unprecedentedly high interest rates for farm borrowers—I think the highest in 100 years—farmers have great difficulty borrowing money in the first instance from the available sources of credit, and are having very great difficulty paying these astronomical interest rates. So, to correct this situation, made a move to lift the FHA guarantee that Congress does not want it to insist on a poverty oath before farmers can borrow for their needs, I offered the amendment providing $25 million, restoring the amount exactly to that which Congress appropriated last year before the $25 million was frozen. Mr. President, I ask unanimous consent to place at this point in the Record letters received by me from Mr. Higbee, dated March 4, and one dated March 5.

There being no objection, the letters were ordered to be printed in the Record, as follows:

FARMERS HOME ADMINISTRATION
SCHEDULE OF REAL ESTATE TYPE LOAN AND OPERATING LOAN FUNDS FISCAL YEAR 1968

<table>
<thead>
<tr>
<th>Congressional authorization</th>
<th>Estimated number</th>
<th>Authorized program level</th>
<th>Applications on hand, Mar. 5, 1968</th>
<th>Number of applications</th>
<th>Resulting in loans</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct funds:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operating loans:</td>
<td>6,800</td>
<td>50,474</td>
<td>7,433</td>
<td>12,500</td>
<td>10,000</td>
</tr>
<tr>
<td>Individual real estate</td>
<td>900</td>
<td>450</td>
<td>5,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Individual soil and water</td>
<td>700</td>
<td>350</td>
<td>1,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total, direct funds.</td>
<td>312,000</td>
<td>281,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Insured funds:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Individual real estate</td>
<td>11,000</td>
<td>16,000</td>
<td>8,000</td>
<td>160,000</td>
<td>120,000</td>
</tr>
<tr>
<td>Individual soil and water</td>
<td>1,000</td>
<td>1,000</td>
<td>5,000</td>
<td>12,000</td>
<td>6,000</td>
</tr>
<tr>
<td>Soil and water, associations</td>
<td>1,300</td>
<td>802</td>
<td>172,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total, insured funds.</td>
<td>450,000</td>
<td>327,000</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

U.S. DEPARTMENT OF AGRICULTURE,
FARMERS HOME ADMINISTRATION,
Washington, D.C., March 5, 1968.

Senator KARL E. MUNDT,
U.S. Senate, Washington, D.C.

DEAR SENATOR MUNDT: In accordance with your request for a summary of loan funds made available to Farmers Home Administration in fiscal year 1968 for operating loans and real estate loans, there is attached a schedule that reflects this information.

The schedule separates and lists the programs by direct loan funds and insured loan funds. This is also broken down on a state basis, and an estimate of additional loan applications that will be received by June 30, 1968.

Sincerely,
FLOYD F. HIGGIE,
Acting Administrator.

(Attachment)

U.S. DEPARTMENT OF AGRICULTURE,
FARMERS HOME ADMINISTRATION,

Senator F. R. FULBRIGHT, U.S. Senate, Washington, D.C.

DEAR SENATOR FULBRIGHT: In accordance with your request for a summary of loan funds made available to Farmers Home Administration in fiscal year 1968 for operating loans and real estate loans, there is attached a schedule that reflects this information.

The schedule separates and lists the programs by direct loan funds and insured loan funds. This is also broken down on a state basis, and an estimate of additional loan applications that will be received by June 30, 1968.

Sincerely,
FLOYD F. HIGGIE,
Acting Administrator.

(Attachment)
names were available as cosponsors to produce a favorable result.

Following testimony to the fact that this amendment was adopted unanimously by that committee, and I want the Senate to know that, in case somebody should decide to launch an attack against this fulfillment of a pledge to the schoolchildren of this body, can be unanimously accepted by the Senate; and I certainly hope and believe that the Members of the House of Representatives, confronted with the grim facts which are available if they will examine the record, and the attitude of the Senate, will support the amendment. Then, if in another year it is found there should be legislative changes, let them be made sufficiently far in advance so that the school boards, the school administrators, and the schoolchildren of this country will know what the rules of the game are before they have made their contracts for teachers and established their arrangements for the school year.

Those, Mr. President, are the two amendments to which I wish to call attention. I ask unanimous consent to have printed in the RECORD, a letter to me dated February 26, 1968, from Mr. James F. Horgan, the acting director of school assistance in federally affected areas, with an enclosed list of heavily impacted districts.

Mr. MUNDT. I also ask unanimous consent to have printed in the Record a compilation so that all Senators may see, State by State, exactly what is involved in terms of meeting and fulfilling the official pledge of the people's government, that the sources that were appropriated, the full amount to which they are entitled, and the difference, State by State. These shortages have been eliminated by the action of the committee.

There being no objection, the table was ordered to be printed in the Record, as follows:

**SUMMARY OF ALLOCATION AND ESTIMATED NEED, PUBLIC LAW 874 AS AMENDED, FISCAL YEAR 1968—Continued**

<table>
<thead>
<tr>
<th>State or territory</th>
<th>appropriation</th>
<th>entitlement</th>
<th>difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>$395,290,000</td>
<td>$486,355,000</td>
<td>$91,065,000</td>
</tr>
<tr>
<td>Alabama</td>
<td>$5,340,000</td>
<td>$10,888,075</td>
<td>$5,340,000</td>
</tr>
<tr>
<td>Alaska</td>
<td>$5,250,000</td>
<td>$10,888,075</td>
<td>$5,250,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>$1,250,000</td>
<td>$1,269,000</td>
<td>$2,000</td>
</tr>
<tr>
<td>California</td>
<td>$1,250,000</td>
<td>$1,269,000</td>
<td>$2,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>$1,250,000</td>
<td>$1,269,000</td>
<td>$2,000</td>
</tr>
<tr>
<td>Connecticut</td>
<td>$1,250,000</td>
<td>$1,269,000</td>
<td>$2,000</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>$1,250,000</td>
<td>$1,269,000</td>
<td>$2,000</td>
</tr>
<tr>
<td>Florida</td>
<td>$1,250,000</td>
<td>$1,269,000</td>
<td>$2,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>$1,250,000</td>
<td>$1,269,000</td>
<td>$2,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>$1,250,000</td>
<td>$1,269,000</td>
<td>$2,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>$1,250,000</td>
<td>$1,269,000</td>
<td>$2,000</td>
</tr>
<tr>
<td>Illinois</td>
<td>$1,250,000</td>
<td>$1,269,000</td>
<td>$2,000</td>
</tr>
<tr>
<td>Indiana</td>
<td>$1,250,000</td>
<td>$1,269,000</td>
<td>$2,000</td>
</tr>
<tr>
<td>Iowa</td>
<td>$1,250,000</td>
<td>$1,269,000</td>
<td>$2,000</td>
</tr>
</tbody>
</table>

Mr. MUNDT. I conclude simply by saying, Mr. President, that I hope the Senate will accept this appropriation bill as it has been reported unanimously by our committee. There are some items which, if I were acting independently, I should like to see reduced. I should like to see some other items increased somewhat. I do not feel that in these stringent times, we have brought in about as tight a bill as we can bring in, and I think it goes as far as we can go, in a supplemental bill of this kind, toward meeting the real problems of the very real situations which have developed in this country.

So I urge the Senate to support the bill in the amount and in the form that it has been reported.
lesser extent Granite District, also stand to lose substantial funds—nearly $1 million for the state.

Federal impact funds form an important source of school funds for those districts with large defense installations which are non-taxable but whose workers have children to be educated. These districts are "property tax" to aid such school districts.

"The cuts would hurt us significantly because we have the lowest of low property valuations per school child in the state," says William R. Boren, superintendent of Weber County School District No. 3, Provo, where a cut of this size in our federal funds would seriously handicap our educational program.

When a county's tax base is limited by federal installations, an impact aid program is fully justified. Arbitrary slashing of funds without any advance indication or planning is both short-sighted and harmful. For the sake of the youngsters whose futures are at stake, the cuts in the impact aid should be restored right away.

Mr. BIBLE. Mr. President, the importance of fully funding the Federal impacted areas assistance cannot be overemphasized. I wish to make it crystal clear now that the amendment proposing a $91 million supplemental appropriation for the program is necessary.

I wish to urge the Senate to join me in that support, for I think it is essential that we backup in good faith the Federal commitment to our public schools and to our most precious resource—our Nation's youth.

As we all know only too well, even the original budget request for this program did not come up to the estimated entitlements which would be made towards resources under Public Law 874 for the current fiscal year. The estimated entitlements for operations and maintenance assistance totaled $461.5 million. The budget request was well under that—$416.2 million. This committee, endorsed by the full Senate, boosted the appropriation to $450 million, as you will recall, but the final figure after going through the conference was again lowered to the budget request of $416.2 million.

So this program was in the hole at the outset.

Closing on the heels of this was the mandatory budget reduction under Public Law 90-216, leaving $395.3 million for the program.

Meanwhile, because school districts in big cities and districts affected by post office employment qualified for Public Law 874 funds for the first time, the amount required for full entitlements rose to $486.3 million. The result, of course, is that only 80 percent of the program is being funded.

The shortage of anticipated funds under this assistance program hit especially hard because the final action on appropriations and budget restrictions came so late in the fiscal year. School districts had long since obligated themselves in accordance with their expectations under the law. Now they are faced with the necessity of cutting personnel to readjust their budgets. It is far too late to cut back in other areas such as supplies and operating costs.

My own State of Nevada is $671,384 short of its full $3.3 million entitlement at this point. I think the problem is obvious. But the impact of this shortage on just one county will, I think, provide the most effective picture of the difficulties school districts are encountering.

In Clark County, the most populous district of Nevada, the 20-percent shortage in Public Law 874 funding represents about $474,000. The total entitlement for this school year is $2.1 million. The district budgeted, planned, and obligated itself along the lines of its entitlement, obviously.

If the school district had known before the school year began that significant reductions would occur in impacted areas assistance, it could have adjusted to stay within the new budgetary limitations in several ways. Library material and supplies could have been slashed by 71 percent. Or 87 custodial workers could have been terminated. Or 55 teachers could have been released. Or instructional supplies could have been cut back by 73 percent. Or districtwide special education programs could have been reduced by 21 percent.

Those are stringent measures, but they would have been preferable to the only restrictions Congress could impose at this time so far along in the fiscal year. That course is to terminate 110 teachers from a staff total of some 2,500. The other obligations that might have been released can be easily recalled now.

In Clark County, as in many areas of Nevada, the dependency on federally impacted areas assistance is substantial—almost unique. This is because:

First, Federal funds are concentrated here because Federal land makes up 95 percent of its total 8,050 square mile area.

Second. The local tax base of 5 percent and below is too small to support all local government services.

Third. The families of those employed on tax-exempt Federal property number 75,000 persons.

Fourth. The school district enrollment of 63,000 students includes about 15,000, or 23 percent, whose parents are employed on Federal property.

Fifth. School building bonds now constitute a debt of more than $80 million payable by Nevada statute only from ad valorem taxes. The current rate of future projections indicate a new requirement of $60 million very soon.

Coupled with all these figures demonstrating Federal impact in Clark County is the fact that much of the recent and immediate future growth stems from the sudden growth of one Federal installation—Nellis Air Force Base, where a manpower buildup of some 3,000 is in progress. Our population growth projections indicate a new requirement of $60 million very soon.

Coupled with all these figures demonstrating Federal impact in Clark County is the fact that much of the recent and immediate future growth stems from the sudden growth of one Federal installation—Nellis Air Force Base, where a manpower buildup of some 3,000 is in progress. Our population growth projections indicate a new requirement of $60 million very soon.

Second. The local tax base of 5 percent and below is too small to support all local government services.

Mr. CLARK. Mr. President, at an appropriate time I intend to propose an amendment to the bill on behalf of myself and the two Senators from New York [Mr. JAVITS and Mr. KENNEDY]. First, however, I ask unanimous consent that three members of the staff, Mr. William C. Smith, Mr. Peter B. Edelman, and Mr. Robert E. Patricelli be afforded the privilege of being present on the floor to assist us during the consideration of the amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that my legislative aide, Mr. James Hightower, be accorded the privilege of the floor during the consideration of this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. YARBOROUGH. Mr. President, I commend the distinguished chairman of the committee, the Senator from Alabama [Mr. HILL], for the quality of his hearings during the consideration of this supplemental appropriation—particularly, of the impacted school aid provisions. In my State, as well as all over the Union, the cutback on this item amounted to a staggering 18.3 percent of our Federal Government's commitment to these schools. The distinguished occupant of the chair, Mr. Byrd of West Virginia, represents a State with a large number of military installations, and his State is one of the three highest in the Union in allocation for this purpose, and consequently, one of the three States that will suffer the most. My State is also one of those three.

Mr. President, I support the urgent supplemental appropriation that is before us now. The Appropriations Committee, on which I am pleased to serve, has held hearings on H.R. 15399 and has reported the bill favorably.

One aspect of this measure with which I have been especially concerned is the amendment to restore 91 million badly needed dollars to the entitlements of federally affected schools across America. That is the most critical need for school districts serving the children of families on our military bases.

Because of a heavy enrollment of children from these federally connected families, who contribute little in local tax dollars, these schools depend heavily on Federal assistance to meet their operating expenses. This assistance has come in form of grants under Public Law 874—a commitment begun in 1958 and continued to the present.

For fiscal year 1968, however, the entitlement for Public Law 874 was cut back from an expected $486,355,000 to $395,390,000. This represented a reduction of 18.3 percent of the Federal Government's commitment to these schools.

The impact of this $91 million reduction has been what one would expect: poor pay, inadequate schools, and withdrawal of students...
We further have a law in my State that taxes cannot be levied retroactively. A school board can meet and raise the taxes for the future, but it cannot correct a deficit situation arising during the course of the year. Laws of this type exist in many States. In short, unless we today heed the recommendation of the Appropriations Committee to restore these funds, many schools in my State and in other States, are going to have to discharge teachers and reduce their operations. All of this through no fault of their own.

The stated reason for this cutback is the ever-mounting expense of our Vietnam involvement. Yet at the same time, the steady expansion of that involvement is pulling more and more American families onto military bases, thus increasing the number of children that these school districts must serve. Because of Vietnam, these schools have less money to serve more children living at or near military bases.

There is no more question of budgeting and taxes; there is a question of children and their education.

Whatever we are called on to sacrifice at home in order to pay for Vietnam, we cannot afford to sacrifice the education of our children, for to do so is to tighten our belt on the lifeline of our future.

Mr. President, along with many of my colleagues here in the Senate, I have worked hard and long to help develop this Government's commitment to the children of the Federal civilian employees and to all school districts in view of the notice that the fulfillment of the entitlements of these impacted school districts will be the aid to local school districts affected by the financial cut proposed to be made in federal funds available under Public Law 874; there-

Mr. President, I commend once more the leadership of the distinguished Senator from Alabama in arriving at the unanimous vote of the Appropriations Committee to go by the Senator from South Dakota to restore complete fulfillment of the entitlements of these impacted school districts.

I have received considerable correspondence from concerned constituents in my State documenting the need for restoration of these funds to assist Texas school districts that are federally affected. These letters and telegrams are an indication of the widespread impact that this cutback on the Senate moves to reaffirm its commitment to the education of these children.

I ask unanimous consent that they be printed at this point in the Record.

There being no objection, the items requested were ordered to be printed in the Record as follows:

AUSTIN, TEX., February 16, 1968.

SCHOOL RALPH W. YARBOROUGH, Commissioner of Education.

SIR:

We understand that the School Board of the Laredo Independent School District in view of the notice that the entitlement of funds for the year 1967-68 have not been received and this is seriously impairing the operation of our school district.

Our budget included the allocation of funds available under Public Law 874; there-

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Budgets were established in good faith based upon the commitment of the Federal Government to provide funds for the educational program for Federally-connected students. There is no other legally available source of funds to which we can turn. It is incomp-
fore, we must receive these funds or our school curriculum will be seriously hurt. The recent defense developments are placing an even larger burden on our school district since children of recently activated reservists have now been enrolled in our schools. The budgeted funds should be released by the federal government to the local school district so as to enable the district to continue providing a satisfactory level of education for our youngsters. I know of no other item which is more important to the future of our nation than the education of our children. I am sure you realize the less-educated citizens. Money spent for education is an investment in the future and an investment for the preservation of our democratic society.

Our local taxes are near the maximum; and, if they were raised enough to offset the 874 allocation, they would exceed the maximum limits permitted by law.

Urgently request you use your good office to have the Admin increase budget by the funds which have been budgeted for the current school year.

Sincerely yours,

MELVIN JOHNSON

NEW BRAUNFELS, TEX., February 21, 1968.

The Hon. RALPH YARBOROUGH,
U.S. Senate,
Washington, D.C.

Dear Mr. YARBOROUGH: In following the recent trends and appropriations concerning Public Law 874, I have noted that there has been a reduction in the amount of the appropriation. Further, it appears that some of the money which was appropriated is now being withheld and may not be released during this fiscal year. This "impact" money goes a long way in helping the New Braunfels Schools educate the children of servicemen and civil service employees who now attend our schools. The allocation per student is but a fraction of the actual cost of educating these students but every bit helps. With the recent call up of reservists and the accompanying lack of effort, there seems to be a much greater, rather than less, need for this federal assistance. We need your support for Public Law 874.

Sincerely,
WILLIAM C. BRADBURY, Jr.,
Superintendent.

ACADEMY PUBLIC SCHOOLS,
Temple, Tex., February 14, 1968.

The Hon. RALPH YARBOROUGH,
U.S. Senate,
Washington, D.C.

Dear Senate YARBOROUGH: Naturally, our school budget was made up before September 1, and we had expected to get 100% of money from PL 874. Our school would appreciate very much if you could see fit to see that the $20,810,000 now withheld from the 1968 appropriation be released for allocation prior to the close of the fiscal year.

Most respectfully,
J. MILTON EDGEGO,
Superintendent.

CORNELL DRUG STORE,

The Hon. RALPH YARBOROUGH,
U.S. Senate,
Washington, D.C.

Dear Sir: I'm a member of the Glen Rose Independent School Board of Trustees. We need your support for Public Law 874.

Sincerely,
PAUL R. HANCOCK, Jr.
Superintendent.

BURK Burnett Independent School District, 1960-65

ATTENDANCE ANALYSIS, NON-FEDERAL VERSUS FEDERALLY CONNECTED—ENTITLEMENTS 3-A AND 3-B

<table>
<thead>
<tr>
<th>Year</th>
<th>Total ADA</th>
<th>ADA 874</th>
<th>Percent ADA 874</th>
<th>Total non-874 Fed. Percent</th>
<th>Total Eligibility</th>
<th>Operating Budget</th>
<th>District valuation</th>
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<tr>
<td>1960-61</td>
<td>5,610</td>
<td>3,712</td>
<td>66.2%</td>
<td>1,898</td>
<td>33.8%</td>
<td>7,603,601</td>
<td>2,760,074</td>
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<tr>
<td>1961-62</td>
<td>5,610</td>
<td>3,743</td>
<td>66.8%</td>
<td>1,867</td>
<td>33.2%</td>
<td>7,776,054</td>
<td>2,817,517</td>
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<td>1962-63</td>
<td>5,610</td>
<td>3,767</td>
<td>67.3%</td>
<td>1,843</td>
<td>32.7%</td>
<td>7,906,325</td>
<td>2,875,330</td>
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<td>1963-64</td>
<td>5,610</td>
<td>3,812</td>
<td>67.6%</td>
<td>1,858</td>
<td>32.4%</td>
<td>8,066,907</td>
<td>2,933,867</td>
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<td>1964-65</td>
<td>5,610</td>
<td>3,918</td>
<td>69.2%</td>
<td>1,692</td>
<td>30.8%</td>
<td>8,298,645</td>
<td>3,004,367</td>
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</table>

Addendum:

By carefully analyzing the budget for the Burk Burnett Independent School District for 1967-68, I find that 20% reduction in entitlement for 874 will be approximately $80,000. This will shorten our school term by three weeks and three days. Therefore it is most important to us in planning a school of full nine months to receive full entitlement under 874 for 1967-68.

Your influence in securing same will be appreciated by the Burk Burnett Independent School District.

Enclosed is a summary sheet of the Burk Burnett Independent School District's growth for the last 18 years.

The total average daily attendance was 977 students for school year 1950-51, and this increased to 989 for first count of school year 1957-68. The increase shows an increase from 177 average daily attendance in 1950-51 for federally connected children to 2367 in 1967-68. The per cent of the total student average daily attendance shows a growth of 18 per cent of the student body in 1950-51 school year to 67 per cent in 1967-68.

We further note that non-federal increased from 800 in 1950-51 to 1101 in 1967-68. The federally connected student increased from 177 in 1950-51 to 2367 in 1967-68.

The district value of $89,709,600.00 in 1960-61 shows a substantial increase to $1,284,740.00 in 1967-68. This was accomplished by an increase in valuation placed upon property in 1969. However, the decrease in oil has been improved at a very fast rate and has caused a shift from natural resources to personal property as a source for increased valuation. The District has not been able to meet the demand placed upon it by federally connected children it is schooling.

We have tried to point out some pertinent facts concerning the importance of keeping school open and taking care of federally connected or Impact children, and to point out the fact why they are an Impact upon the Burk Burnett School District. We find it very necessary to meet your obligation and ask that you support our cause before the Congress. We earnestly solicit your support for H.R. 15399 with additional funds to pay full entitlement for Impact Aid.

Sincerely,
G. EVANS, Superintendent of Schools;
Jack Smith, President, Board of Education;
Weldon Nix, Secretary, Board of Education;
Gene Bankhead; Floyd Marden; Paul Fisher; Norman Roberts; Arlie D. Key.

DEAR SENATOR YARBOROUGH:

We read in the San Antonio papers that you have introduced and are supporting the re-instatement of PL 874 funds.

We have the opportunity to thank you and commend you for your position on this important Legislation. The reduction in these funds is and has been of great concern to the Superintendents involved.

Let us beg of you to continue your efforts to make possible these funds for the impact area districts, the San Antonio area for some of us and keeping your stand on this important matter has caused us to be encouraged andovie.

Best wishes for you at all times. 

Sincerely,
WILLIAM JAMES LEWIS,
Superintendent.
Lackland Air Force Base, Tex.

fore no means of supplementing the reduc­

tion on a tight budget needs no elabora­

tion. I note that the House has passed H.R. 15399, a supplemental appropriations bill, and that Senator Fulbright has introduced an amendment in the Senate to this bill which, if successful, would substantially re­

store the 20 percent to impacted schools.

May I bespeak your continued support in this vital matter, and may I ask as a further favor the return of a favorable outcome. You know the possibility of a favorable outcome of this issue.

It is good to be able to communicate with you. Sincerely,

H. L. Isafeld,
Superintendent of Schools.

SAN ANTONIO, TEX., February 27, 1968.

Hon. Ralph W. Yarbrough,
Senate Office Building,
Washington, D.C.

The board of trustees of the Port San Antonio Independent School District, Ran­
dolph Air Force Base Independent School District, and Lackland Air Force Base Inde­

pendent School District requests your whole­

hearted support of the Fulbright amendment adding 91,000,000 dollars for payments to lo­

cal school districts under Public Law 874.

The above three school districts receive ¾ of their monies from the Texas State per capita fund and ½ of their monies from Public Law 874. These three school districts request only the appropriation of Public Law 874 as it now stands will be able to meet their financial obligations only through March 31 of this year. This financial obliga­
tion includes over 350 educators and aux­
iliary personnel in the education of over

4,000 children of United States service men. We urge your support at the present time of some special legislative enactment to af­
ford U.S. Office of Education to fund enough monies for us to meet our obligations for the next year enabling us to con­
tinue operation of the school districts until such time that firm legislation has been en­
acted concerning Public Law 874. We are in need of some form of legislation as all these school districts have no tax base and therefore no means of supplementing the reduc­
tion of funds.

We sincerely hope we have your support regarding this matter as it affects an intrinsic part of the education of children in Bexar County, San Antonio, Tex.

Yours very truly,

Ralph H. Jones,
Superintendent, Port San Antonio In­
dependent School District, San An­
tonio, Tex.

Claude A. Earn Jr.

C. R. Willingham

COUNTY JUDGES AND COMMISSION­

ERS ASSOCIATION OF TEXAS,

Senator Ralph Yarbrough,
U.S. Senate,
Washington, D.C.

Please restore $91 million to impacted area program. School districts in Texas need this bill.

Bill Owens, President.
SAN FELIPE INDEPENDENT SCHOOL
District,
Dei Bto, Tex., March 4, 1968.

Senator Ralph Yarbrough,
U.S. Senate,
Washington, D.C.


Sincerely,

Homer C. Shalla,
Superintendent.

GATEVILLE PUBLIC SCHOOLS,

Senator Ralph Yarbrough,
Washington, D.C.

If schools in impact areas over needed help it is now. As a supplemental bill to P.L. 874 is passed the impact area funds will be reduced 20 percent for this year. Budg­
et have been made, and with this reduction many schools cannot overcome this shortage. This is not Federal aid as such, but we believe an obligation. The greater percent of federally connected people are not local tax­

payers but impact schools are obligated to furnish buildings, the teachers, and other ex­

penses, of their education. The tax base in many districts is not enough to justify local tax increases to take care adequately of fed­

erally connected children. We believe this is sound legislation. If Congress intends to phase out the program, a two-year notice would help us try to make local adjustments. This communication is not meant to add worries to your great responsibilities in Con­

gress but is meant to present some facts.

Thank you for your good work in Con­

gress and your consideration.

L. C. McKamey,
Superintendent.

GLEN ROSE INDEPENDENT
School District,

Hon. Ralph Yarbrough,
U.S. Senate,
Washington, D.C.

We urge you to support supplemental ap­
propriation to pay in full impact area claims under Public Law 874 and to contact Appropriation Committee asking inclusion of such funds in present educational appro­

priation.

Sincerely,

O. C. McKamey,
Superintendent.

IOWA PARK INDEPENDENT
School District,

Senator Ralph Yarbrough,
Senate Office Building,
Washington, D.C.

Strongly urge your immediate attention in the matter of full funding of impact area funds.

Farris Howell,
Superintendent.

SCHERR-CIBOLO-UNIVERSAL CITY,
INDEPENDENT SCHOOL DISTRICT,

Senator Ralph Yarbrough,
U.S. Senate,
Washington, D.C.

Need your continued support to include ap­
propriation for impacted area in pending legislation for supplemental appropriation. Cannot meet budget without it. We appre­

ciate your cooperation and support.

Sincerely yours,

William Malish,
Superintendent of Schools.

YBELA INDEPENDENT SCHOOL DISTRICT,

Hon. Ralph Yarbrough,
U.S. Senate,
Washington, D.C.

Hon. Senator Ralph Yarbrough: You may be able to add supple­
mence for impact area schools when bill reaches Senate this week. Otherwise we expect at least 20 percent loss on our 874 funds.

N. M. Hanks,
Superintendent.
Mr. HILL. Mr. President, the Senator from Texas was present at the meeting of the committee when this amendment was agreed to. He was one of the strongest advocates of and one of the real leaders in the adoption of the amendment.

Mr. YARBOROUGH. I thank the Senator from Alabama. I have had the privilege of serving with him also on the full Committee on Labor and Public Welfare, as well as on the Education Subcommittee of that committee. The Senator from Alabama has given considerable attention and great effort to the passage of laws to strengthen the educational system of this country.

Mr. President, I wish to focus for just a moment on one other aspect of the pending appropriation that I think is of paramount importance, especially to our great urban centers. I refer to the emergency supplemental appropriation for summer programs.

On February 21, 1968, I teamed with the senior Senator from New York [Mr. Javits] and 19 other Senators in a bipartisan effort to make $150 million available for summer programs in the ghettos and barrios of this Nation. Our bill, S. 3013, was considered by the Appropriations Committee as an amendment to H.R. 15399.

In legislation passed since 1961 under the concerned leadership of Presidents John F. Kennedy and Lyndon B. Johnson, we have worked to develop a national commitment to the poor of America. I introduced and I have fought for such important and productive programs as Headstart and Job Corps. I am especially disheartened that the full amount was not approved, and I am especially disappointed that none of the money will be available to such proven programs as Headstart and Job Corps. Nonetheless, I am pleased that at least $75 million was recommended, and I hope that the Senate will see fit today to approve that amount.

Mr. President, I have worked hard to obtain the additional funds provided in H.R. 15399, and I endorse the spirit of that measure. I shall vote for the present supplemental appropriation, and I hope that all of my colleagues will do likewise.

In order that my colleagues may have an indication of the support that my amendment for supplemental funding has received, I ask unanimous consent that the telegrams sent to me by Mayor James Tate of Philadelphia, Pa.; Mayor Richard H. Marriott of Toledo, Ohio; Mayor William J. Ensign of San Diego, Calif.; Mayor Jerome P. Cavanagh of Detroit, Mich.; Mayor J. D. Braman of Seattle, Wash.; Mayor Henry W. Maier of Milwaukee, Wis.; Mayor Frank Curran of San Diego, Calif.; Mayor William J. Ensign of Toledo, Ohio; Mayor Thomas R. Byrne of St. Paul, Minn.; and Mayor Hugh J. Addonizio of Newark, N.J., be printed at this point in the Record.

There being no objection, the telegrams were ordered to be printed in the Record, as follows:

National League of Cities.

HON. RALPH YARBOROUGH, U.S. Senate, Washington, D.C.;

As president of the National League of Cities, I express strong support of our membership for your bill, S. 301, to provide $150 million for summer and vital year-round OEO programs. These funds are essential to the operation of important summer programs in all our cities. Without this Federal help, our efforts will be seriously curtailed. The funds provided last year through your assistance were instrumental in helping employ thousands of youths and provide recreational activities for thousands more. We must have at least this $150 million again this summer.

JAMES H. J. TAYLOR,
President, Mayor of Philadelphia.


Senator Ralph Yarborough,
U.S. Senate, Washington, D.C.;

As chairman of the Appropriations Committee, I urge my colleagues to pass your bill, S. 301, to provide $150 million for summer OEO work programs (bill S. 3013). Please be advised that Sacramento supports said legislative action.

RICHARD H. MARKKUTT,
Mayor.


Senator Ralph Yarborough,
Senate Office Building, Washington, D.C.;

Bill providing $150 million for summer OEO work programs (bill S. 3013). Please be advised of Sacramento's support of said legislative action.

RICHARD H. MARKKUTT,
Mayor.
Mr. ALLOTT. I see there is not.

Mr. CLARK. There is nothing, so far as I know, in terms of an agreement, and the Senator from Alabama will enlighten us.

The way the bill reads, may I say to the Senator from Colorado, the entire $75 million goes to the Neighborhood Youth Corps and to the Department of Labor, whereas the Headstart program is run by the Office of Economic Opportunity.

Mr. ALLOTT. This is true, but there was some conversation there that either confused me or left me in doubt about what is actually happening. I should like to find out.

Mr. CLARK. They may not be authorized to transfer from the Labor Department to the OEO money; which is appropriated to the Manpower Development and Training Act. But perhaps the Senator from Alabama may want to enlighten us.

Mr. ALLOTT. I find, may I say to the Senator from Pennsylvania, that Senator Javits lost this particular amendment for $25 million for Headstart by a vote of 13 to 8.

Mr. CLARK. Yes.

Mr. ALLOTT. Personally, I wish it were possible to take the $25 million out of the $75 million and put it into Headstart. I believe that much better use would be made of it there than would be made of it in the manpower training program.

I thank the Senator for yielding.

Mr. CLARK. Mr. President, unless the Senator from Pennsylvania, that Senator Javits actually did lose this amendment, and I query whether such a decision was made.
Mr. FULBRIGHT. Mr. President, I believe that it is about time that we get to a real commitment on the part of the Federal Government to the various States, especially where large defense installations have been created; also where the Federal Government has taken land off the tax books, and so forth, which has created great difficulties for school districts.

I point out that my State is one of the smallest beneficiaries; nevertheless, the amount is very important. Under this bill, Arkansas would only get $482,373, but this is very important to the State, because these school districts, relying upon the contributions which have been made to them for several years, have made their plans. Based upon that, they have taken care of the churches in circumstances that have arisen, particularly in the case of the Federal installations.

I believe it is most disastrous to the school districts to cut off this amount in the middle of the year, even though in the case of the State of Arkansas the smallest amount is involved. In some States the amount is much larger. The loss of Alaska for $344,400 — 000, and in the case of California, it runs up to $15 million, which I believe is the largest amount.

As I have stated, I regret this action. With respect to my State, the amount is one of the smallest, but that does not mean it is not important. Because the school districts are in such difficult and strained circumstances, I believe the committee was entirely right, and I hope the Senate will accept the committee's recommendation. I believe that practically every State has some of these funds. The total is $90 million.

I do hope that the Members of the Senate will support the committee in this case. I must say that when we see the enormous amounts being spent on the war and on various other activities, it is a great action upon our country to take this small amount away from the schools, which are primarily elementary and secondary schools. As a matter of fact, most of it, I believe, applies to elementary schools. I have not made that breakdown.

If we are going to cut down on that type of activity, there really is not much hope for the future of this country in my opinion. I believe it would be terrible to disrupt these schools, because of this small amount of money, in the middle of their school year.

Mr. BARTLETT. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. BARTLETT. Mr. President, I fully endorse everything the Senator from Arkansas has said. I wish to applaud him for introducing the amendment restoring this amount, which was adopted unanimously as I recall.

The effects would have been disastrous perhaps by way of a cutback to some of the States involved. In any event, but the injury was compounded by the fact that they had made all of their plans for the 1967-68 school year predicated upon full entitlement. These plans were necessarily made before the school year started.

As I recall, it was not until December that they were informed that these very serious situations were to be put into effect and for the local communities and school districts there was simply no way out.

They had no other source of financing.
at that time. Whether they would have had other sources if they had not been advised in July I cannot say because this has been a bargain, as it were, for a good many years between the Federal Government and the State government, that with Federal impact it was experienced in a given school area, the Federal Government would make certain payments in lieu of taxes to take the load from the local people.

Some of the States, as the Senator from Arkansas has observed, are being hit very heavily. The Senator was correct when he said that Alaska was one of those States. The full entitlement for Alaska would have been $12,173,000. As the matter was concluded, after the Committee on Appropriations worked it out and House Joint Resolution 888 had been approved, the amount was $9,962,000, obviously too great a difference to arrange for financing in the middle of the year. I join the Senator from Arkansas in expressing the very strong hope that not only will the Senate approve the action of the Committee on Appropriations, but also that the full sum granted by the Committee on Appropriations, allowing the amendment introduced by the Senator from Arkansas, will be allowed by the conference, and subsequently by the two Houses, because, in my judgment, it would be an act of bad faith and no less to do otherwise.

Mr. FULBRIGHT. I thank the Senator. It is not only an act of bad faith, but it is also very unnecessary in any case, because this is one of the most important and valuable activities we can sponsor in this country.

I appreciate the statement of the Senator.

Mr. DOMINICK. Mr. President, will the Senator yield for a brief comment and a question?

Mr. FULBRIGHT. I yield.

Mr. DOMINICK. Mr. President, I congratulate the Senator from Arkansas for pushing this along.

It appears we found ourselves in substantial trouble in a number of districts which have become highly impacted because of the buildup for the war. They were not in a position to handle the situation from property taxes, and the Federal installations were so big they simply did not have the base to support the school. I think this is an excellent idea and I am happy to go along with it.

There is one question I wish to ask. The Senator from Arkansas expresses the view that the President from Alaskan is not the person to whom I should address the question, and that perhaps the Senator from Alabama would be the one to do so.

I wish to ask about the Clark amendment in connection with the Headstart program.

Mr. FULBRIGHT. I do not know about that.

Mr. DOMINICK. Mr. President, will the Senator yield, so that I may ask a question or two about that matter?

Mr. FULBRIGHT. I yield for that purpose.

Mr. HILL. That does not go to this problem at all. That is a separate proposition.

Mr. DOMINICK. It is my understanding that the Senator from Pennsylvania was going to offer an amendment for $25 million for Headstart.

Mr. HILL. He has offered it.

Mr. DOMINICK. Is it not true that Headstart is funded for this summer, and that the cutoff date is going to be this fall for other programs as opposed to this summer?

I am sorry to have interrupted in this way, but I wanted to get that information.

Mr. HILL. For this summer. There is $99 million already funded and appropriated for the Headstart program for this summer.

Mr. DOMINICK. Thank the Senator. Mr. JAVITIS. Mr. President, will the Senator yield to me? I think I can enlighten the Senator on that question.

Mr. FULBRIGHT. I would conclude my remarks, if Senators desire to discuss another matter.

I hope every Senator will take the trouble to look at what is involved in this amendment that the Senator from Colorado and I were talking about. New York, of course, participates, and all States which would be hit if you and honored professions take the law in their own hands and at a time when the law is flouted in so many places and at a time when the United States has observed, are being hit very heavily. The Senator from Arkansas, I am happy to go along with it. I yield.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. YARBOROUGH. Mr. President, I wish to commend the distinguished Senator from Arkansas for the leadership that he has provided on this impacted education money. He introduced this amendment in the Senate, and under it this money has been added to the supplemental appropriation bill by the unanimous vote of the Committee on Appropriations.

As has already been stated on the floor of the Senate today there was a cut in the entitlement after it had already been written into law. This was a cut of 18.8 percent, which affected schools displaced by military bases all over the country. Because of our expanding Vietnam buildup, these school districts have had a steadily increasing enrollment of federally connected children. By making this cut of 18.8 percent, the Department is entitled to education the children of the men sent overseas.

This is one of the most worthy amendments I have seen in a long time. The Senator from Arkansas has added to his credit in the Senate as a proponent of education. Through the great program of Fulbright scholarships, which is known all over the world, the distinguished Senator from Arkansas has distinguished himself as an education Senator.

Mr. President, this is another contribution by the Senator from Arkansas, and I am pleased to support his proposal.

Mr. FULBRIGHT. I thank the Senator deeply.

I yield the floor.

Mr. CURTIS. Mr. President, I rise to call attention to the usurpation of power by the administration that belongs solely in the Congress. Mr. President, to the power to tax.

Article I, section 1, of the Constitution says:

"All legislative powers herein granted shall be vested in the Congress of the United States."

Mr. President, it does not say that some of the legislative power shall be vested in the Congress—it says all. The separation of powers is perhaps more important in the field of taxation and spending than in any area of government. Preemption is at stake.

If the executive branch has authority to impose taxes, it will extend that authority to raise existing taxes, reduce taxes, or repeal taxes. It is elementary that the power to tax is not a power to tax away in Congress.

Mr. President, I find it hard to believe that in two instances the executive branch has either already usurped or is about to usurp the power to tax.

It is proposed that tax-free revenue bonds issued by States and their subdivisions for industrial expansion become taxable not by law enacted by Congress, but by edict of the Treasury Department. Nothing could be more preposterous, outrageous, and brazen. Nothing could so lack in a respect for law.

Mr. President, at a time when street mobs take the law into their own hands and at a time when the law is flouted in so many places and at a time when the United States has observed, are being hit very heavily.

The question is not, "Shall these tax-free revenue bonds become taxable?" What we are considering is an edict on that question. The matter should be heard by the appropriate committees of Congress. Everyone should have his say and the decision should be made by the Congress in accord with the Constitution.

I regard Mr. Henry Fowler as an honest man and a man of integrity. I appeal to him to rescind this proposed action. I appeal to him to take a stand in support of the Constitution, which we have all sworn to support, and to prevent interested parties into expensive litigation to declare such actions null and void in our courts.

The second usurpation of the power to tax that I have in mind relates to the decision of some months ago of such nonprofit organizations as the Boy Scouts, trade Journals like the American Medical Association Journal, and other similar periodicals because they carry advertising. I plead not for a tax-exempt status for these publications because the publications serve a public purpose, although that is very true. I say, if they are to be taxed, let it be done in the Congress. I regard Mr. Fowler as an honest man and I appeal to him to remind the Senate that the Constitution declares that all legislative powers are vested in the Congress.

It is my understanding that the import of tax-exempt status is based upon a statute passed in 1956. Such reasoning is false. The most reliable evidence and the best evidence of the intent of Congress is the contemporary interpretation. The 1956 act was not revised until the President ceased, or in the years that followed. In 1954, the Congress reenacted the same statute as a part of the 1954 Code. No one could argue that in 1954 the Congress did not intend to reenact this particular statute as it was then interpreted. The Inter-
pretation at that time was that these periodicals of the type to which I have referred were not taxable. In the light of the 1954 Code there is no doubt about the intent of Congress.

For the Treasury Department to come in 16, 17, or 18 years later is not only a faulty interpretation of the law, but it is exercising the power to legislate. If there had been no 1954 Code enacted, the Treasury would, in its present attempt, be in error from the standpoint of interpretation. The contemporary interpretation at the time of enactment of the 1950 law had the benefit of what was fresh in the minds of legislators, staff people, and the Treasury itself. If the Treasury is right in its recent action in imposing taxes upon these publications, it has either assumed the power to legislate or it is guilty of laxness for not collecting the tax immediately upon enactment of the 1950 statute. The reenactment of the section in question in the 1954 Code, however, removes all doubt. No reasonable interpretation could be suggested other than that then Congress intended to enact the 1950 statute as it was then interpreted. This amounted to congressional action providing that these periodicals in question were not to be taxed. Any action on the part of the Treasury is legislative and should be rescinded or declared null and void by the courts.

Mr. President, I appeal to the Treasury Department to abandon its efforts to legislate, and if it continues to do so, then I urge the Congress to act and act swiftly. Our Constitution should not be flouted.

Mr. President, I yield the floor.

Mr. JAVITS. The pending amendment was raised in committee and was voted on there, and voted down. There were two items before the committee, which dealt with the general area of problems in the cities. One item was the amendment proposed by the Senator from Texas [Mr. YARROUQUA] and myself and with the very kind intercession of the Senator from West Virginia [Mr. BYRD] who took on the laboring oar in the committee, we worked together almost continuously. Certainly it seems to me that the $75 million was as much a bull’s eye in this problem as one could find. It is the same figure we had last year, and which did so much in many other cities including many of the cities of New York State. In my view it was the principal factor which gave us a reasonable chance of preserving order, and holding down the forces of civil disobedience, disruption and subversion.

When we see the rates of unemployment and underemployment in ghetto areas, we realize how critically important this amount of money, although in relation to the budget it is not large. This is a very small arrow pointed at a very special target.

Now, Mr. President, the Headstart program is also very deserving and I shall describe why in a moment, because I handled the subcommittee and went into it very thoroughly.

The difficulty was—and I explained this to my colleagues—it was my feeling that $75 million was just about what the committee would do in this general area. I also was very much helped by the Senator from West Virginia [Mr. BYRD], and we felt that the general feeling was that the highest priority was the summer job program.

Thus, most reluctantly, I had to be content with that. I think that the committee acted very sensibly and very much in the public interest in allowing it.

I can understand my colleague making this motion. I agree with him and I shall support him as, indeed, I have joined him in proposing it. I believe it is fully within the wisdom of the Senate to grant the $25 million. I urge the committee to promote, not condone, what I have just recited about the history of the committee—to grant it. I think it is extremely important and extremely worthwhile and will pay an enormous dividend for a relatively small sum of money.

Let me say, in all fairness, that I argued this very strongly before the Appropriations Committee, that Headstart was an integral part also of the bill. And I am seconding the motion that the Senate has worked extremely well, according to all the reports on it. I appreciate what the Senator from New York [Mr. YARROUQUA] and the Senator from Pennsylvania [Mr. CLARK] are doing, and I associate myself with their endorsement of this vital program.

Mr. JAVITS. I thank the Senator, and I thank him for working with me.

The Senator has said something about Headstart which I would like to talk about, as to its desirability. Senator Clark, author of this program, is chairman of our subcommittee. In the main, the Senator and his associate minority member, Senator Proctor, is the ranking minority member on the subcommittee. I think they will bear me out that in all our negotiations with the other body with respect to the antipoverty program, Headstart has been the favorite of all the favorites. There has not been a word of dissent as to its usefulness and desirability. Indeed, one of the struggles which Senator Hill and I went through on the appropriation matter of the part was in avoiding earmarking funds for Headstart. We had that problem in the authorization stage, too. There is such a strong feeling for the program that I think there is every desire—and indeed Senator Proctor has been one of the champions of the cause—to earmark the funds so that they may be spent for no other purpose. Therefore, it is certainly something that commends itself on the highest level.

There can be only one conceivable reason for the cut which has been made, and that is the economy proposition. But the limitation which is thrown on this is almost the critical nature of the problem with which we are trying to deal so affect the tranquillity and public order that I feel justified, no matter what may be the economy considerations, in urging the Senate to approve the modest restoration of $25 million for the 13,000 slots involved.

The Senate can see at a glance the extent of this leverage involved. Let me give the Senate an idea as to what the cuts mean in the way of contraction of these activities in critical areas.

We are advised, starting with California—and I see Senator Murphy on the floor—that in Los Angeles, California, the cut will be 12.3 percent.

In St. Louis it will be 10 percent.

In Oklahoma it is estimated to be 20 percent.

In Chicago, 8 percent.

In Detroit, 5 percent.

In the State of Mississippi there is a very high figure of 25 percent, because the program relative to the population is very concentrated in the State of Mississippi.
In Atlanta, Ga., it is estimated to be as high as 23 percent. In my own city of New York City there is expected to be a 14-percent cut for every program with more than 30 children.

These cuts may not be exact, to the exact decimal point, because they are estimated; and these matters tend to have a certain ebb and flow in the Office of Economic Opportunity. I do believe, however, that where the axe will fall, where we should be least willing to have it fall, considering the desirability of the program, its unquestioned excellence, the amounts involved as compared with the number of activities involved, and so forth---in other words, the 13,000 places as compared with $25 million expenditure, the employment of 2,500 poor themselves in this extremely desirable activity, the fact that it is estimated that much less than half of all the children who ought to be served by Headstart will not be served by it. It seems to me when we are looking ahead to a summer, for which we are trying to plan ahead for---in other words, to take up the slack represented by the unappropriated amount of $25 million.

Lastly, I would like to answer the question asked by the Senator from Colorado [Mr. Domnick], although he is not in the Chamber at the moment. He asked the question whether the impact of an increase in Headstart would not come this fall, and whether the fact that it is funded for only the same as last year enters into it.

What has happened is that OEO has shifted Headstart money to the summer, and thereby maintains the same number of slots for the summer, but the money is to be taken out of the year-round program, and the year-round program will suffer. The fiscal year ends June 30, but that terminal date is only for new obligations. The actual expenditures for this new money will take place during fiscal years 1968 and 1969. If we give the added $25 million, it will be for the year-round program and add 13,000 slots effective in fiscal year 1968—notwithstanding the fact that some of the expenditures will come after the close of the fiscal year.

That is the answer to the question of the Senator from Colorado [Mr. Domnick] with respect to the effect of this situation as it affects the termination of the fiscal year on June 30.

So I feel this amendment is eminently deserved. The Senator from Texas [Mr. Yarborough] and I made a very strong plea to the Appropriations Committee on this matter. We failed. The only reason I myself did not present the amendment—and I am very pleased the Senator from Pennsylvania has and I congratulate him for presenting it too—is that by the 1st of March I had 13,000 names on a petition in appearing before the Appropriations Committee on the job program. The Senate has the power and the right to do what it deems wise and appropriate, and I think the Senate would be most wise in this respect to take the initiative and do this matter in this manner. These are both extremely important and extremely desirable, and that the Senate, in my judgment, should really feel perfectly free to make its contribution to the effort to alleviate the problems we face, and that this would be a major contribution.

Mr. HILL. As the Senator knows, we had no budget estimate, and we had no House action whatever for the Headstart for the fiscal year 1968 when it came to the Senate. There was no budget estimate, and no action by the House of Representatives.

Furthermore, the bill is now, with this manpower development amendment and with the other amendments, including particularly the amendment for impacted area school funds, $164,425,000 above the budget.

I think the committee acted with wisdom in not going above a $165 million figure. I believe the amendment of the Senator from Pennsylvania should be defeated, in line with the thinking and action of the committee.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. KENNEDY of New York. Will the Senator yield?

Mr. HILL. I shall be happy to yield to the Senator from Pennsylvania in a moment. I yield to the Senator from New York.

Mr. CLARK. I would like to finish, if I may, if the Senator will yield briefly to me.

The Senator mentioned some $99 million being squeezed out for the appropriation for summer Headstart programs; but that has nothing to do with the pending amendment. This amendment is to restore the year-around Headstart program, which has been cut back by $25 million. So the $99 million for the summer Headstart program is just fine, but it is not going to keep these children from being thrown out of their classes and kindergartens. The reduction means that 13,000 youngsters will not be taught, and 2,500 teachers will not be employed. This is cutting back at a time when we cannot afford to do it, in my judgment.

Mr. HILL. We have not cut back. We have added $165 million above the budget estimates and the House action.

Mr. CLARK. If the Senator will yield for a moment further, I beg to differ with him. We have not cut back on the overall Headstart program from $352 million to $327 million and all that $25 million will have to come out of the full-year programs. That is what my amendment seeks to restore.

Mr. HILL. That has nothing to do with this bill.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. ALLOTT. I hope I can straighten some things out. I do not know where the Senator got his figures, but I have just been talking with a member of the staff, and he informs me that the amount appropriated in 1967 was $348 million. The amount appropriated in 1968 for Headstart was $340 million. The amount in the 1969 budget was $380 million. The 1968 budget, as it now stands, is $9 million, as the staff gives the appropriation figure.

Mr. CLARK. If the Senator will yield. $13 million of the $240 million figure just recited is for a followthrough program, which is not for the Headstart
Mr. ALLETT. Mr. President, I know the Senator has got his figures from the best possible sources, but they do not jibe with the figures I have received from the staff. I thank the Senator for yielding.

Mr. CLARK. We got our figures from the staff of the Committee on Appropriations.

Mr. ALLETT. That is where I got mine, too.

Mr. CLARK. Maybe the boys should get together.

Mr. KENNEDY of New York. Mr. President, will the Senator yield?

Mr. HILL. I yield.

Mr. KENNEDY of New York. I rise in support of the amendment of the Senator from Pennsylvania.

There is no program, it seems to me, that receives more widespread support, among the various poverty programs, than the Headstart program. In all of the studies and investigations that we have made, and that other committees have made, less criticism has been made of the Headstart program than of any other program. And it means a major difference as far as thousands of children in the country are concerned.

Certainly, the effectiveness of Headstart indicates that without it, the children it serves would fall behind in school, and would never catch up again. They would be a year behind at the time they get to the third grade and 2 years behind at the time they get to the sixth grade.

The way to try to offset that disadvantage for our children is through the Headstart program. We start them in an educational training program at 3 or 4 or 5 years of age. To cut back on this program at this critical and crucial time seems to me a terrible, terrible mistake.

Not to be able to continue this program is an even worse mistake. If the program is terminated, these are going to be children who are going to fall by the wayside. They might have been helped. They might have been saved. They might have been made, less criticism has been made of the Headstart program than of any other program. And it means a major difference as far as thousands of children in the country are concerned.

Certainly, the effectiveness of Headstart indicates that without it, the children it serves would fall behind in school, and would never catch up again. They would be a year behind at the time they get to the third grade and 2 years behind at the time they get to the sixth grade.

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The testimony before our committee and the committee which I head indicates that the Headstart program made an expenditure of $300 million more than was being appropriated at that time. We thought the amount of money that was doubled the amount of money. We have cut back the amount of money that is available for this program.

We have talked about the war in Vietnam. We have talked about the need for the Headstart program to appropriate some $30 billion for that effort in order to save people's lives. It seems to me that the lives of young children in the United States are equally important, equally vital, and equally essential. And if we are not going to appropriate the amount of money which will save the lives, in the last analysis, of these hundreds of children, it seems to me that we will be making a terrible mistake.

If this amount of money is appropriated, these children can go and receive a better education. They can go through high school, and possibly through college, and then find jobs and raise their families and stay off relief.

We will find otherwise. These children are now at a terribly critical time. They are now at a time, which means double the amount of money, we have cut back the amount of money that is available for this program.

Mr. MAGNUSON. Mr. President, I made a tour of the city of Seattle last November in order to investigate this program.

The fine teachers working in this program—and a lot of them are volunteers—say that they are only able to take care of the minimum number of eligible youngsters in the program. They point out that they were able to take care of approximately half the eligible children in the program.

Mr. KENNEDY of New York. The Senator from Pennsylvania, I yield to the Senator from Pennsylvania.

Mr. MAGNUSON. These teachers told me that an equal number of children should also be included in the program, but that the program was not able to take care of approximately half the eligible children in the program.

Mr. KENNEDY of New York. We are cutting back on the program rather than expanding it. We appropriate in a few short hours $70 billion in military appropriations. However, we are cutting back on $25 million here, which will save as many lives as anything that we do in Vietnam. This is a modest amount, and I hope the Senate will approve it.

Mr. KENNEDY of New York. I now yield gladly to the Senator from Florida.
Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. President, I yield to the distinguished Senator from North Dakota who is a most able member of our committee.

Mr. YOUNG of North Dakota. Mr. President, I call the attention of the Senate to the fact that appropriations for the summer Headstart program are now being considered. The Senate from Florida is correct, $99 million was appropriated for the summer Headstart program. It is now proposed to appropriate an additional $25 million for summer Headstart.

Mr. CLARK. That statement is not correct.

Mr. YOUNG of North Dakota. I was very sympathetic with this program. There is a limit, however, to how far we can go. If the Senator from Florida has pointed out, the House and the Senate agreed last year to cut some $4.6 billion in additional expenditures. This program was not affected. The President and the Bureau of the Budget have not asked for any additional funds over and above the amount already provided.

I went along with that. I think that is all right. I went to the floor on this measure and lost that vote, we will probably lose all of the increase.

I understand that we will have a vote later to recommit the bill and cut out all of the Senate increases. If one, we will vote against recommittal. However, I very much would like to point out that this is an increase that the President has not asked for, and the Senate was very lenient in this matter. Mr. President, the Senator, although acting in good faith, is mistaken. This is not $25 million for the summer Headstart program. They have been funded at the rate of $99 million. This $25 million is for the year-round program. The amount had been cut back from the $352 million which the President requested to $327 million.

When we passed the final appropriation of last year, they had to cut back the program from $353 million to $327 million, and that action threw these 13,000 children and 2,500 teachers out on the street.

Mr. President, I yield to the Senator from North Dakota. The Senator must get his information from a different source than we on the Appropriations Committee do. We have good staff members and rely on them to supply good information, and I think they have.

Mr. CLARK. Mr. President, every bit of the information that I and the Senator from New York [Mr. Javits] have from the Department has come from the staff of the Appropriations Committee and the administration. What we say is accurate.

Mr. HOLLAND. Mr. President, no doubt the Senator from Pennsylvania has gone to the staff members. No doubt the Senator has interpreted what the staff members have told him as he thinks that information should be interpreted. I have observed from the facts agreed upon by both parties through some weeks of heavy negotiations on the part of our committee so ably headed by the Senator from Arizona [Mr. Hayden], with a similar conference committee here.

I know the pains and aches we went through in trying to get a pattern for the reduction of both appropriations and expenditures in 1968. I am just saying that we did not penalize this program for Headstart; we gave this program, not penalized, comes along and tries to upset the balance of the fine work—and I believe it was fine work—done by Congress in seeking to reduce, and in actually reducing, these appropriations and expenditures for 1968.

I just do not want to see this appropriation added to the supplemental bill for fiscal 1968, ending June 30—3 months from now—without it being understood that the Senator from Florida is correct; that is, the Senate from North Dakota knows that is the case, and the Senator from Arizona, who went through the series of negotiations, knows it is the case.

We all know that the Headstart program is the most popular part of the OEO program. The Senator from Florida made that statement in the Appropriations Committee when we considered this item. It was freely admitted by other members of the Appropriations Committee. Yet, we felt that we should not go back upon and abandon the course we entered upon solemnly and deliberately and gave out to the Nation as evidence of the fact that Congress wanted to go along, seriously and deliberately, in cutting down appropriations and expenditures for 1968. I do not believe we should add this sum to the supplemental bill, as a supplemental 1968 item, when it is not needed.

Mr. RANDOLPH. Mr. President, I support the amendment of the distinguished Senator from Pennsylvania [Mr. Clark] to add $25 million to the Headstart program. The Senator from Arizona [Mr. Javits] has explained, this action will bring the total appropriation to the original budget request level of $352 million.

This broad-gaged child development program has gained widespread backing when we consider our Nation. From West Virginia I receive communications from local officials, parents, educators, and interested citizens, who have seen the successes and the benefits of this program. Over 13,000 children in our State participated in Headstart during fiscal year 1967.

The Headstart program is designed to better prepare disadvantaged children for school through a wide range of services, including the areas of health, nutrition, education, social development, and parental participation. Nationally, more than 700,000 children were enrolled in the summer and full-year Headstart programs during fiscal 1967. It is my belief that the reactions and comment from local officials, educators, and private citizens and the evaluations performed by professional organizations, evidence the outstanding accomplishments of the Headstart program.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia (after having voted in the negative). On this vote I have a pair with the Senator from Connecticut [Mr. Ribicoff], who had to leave to keep an engagement. If he were present, he would vote "yea." If I were permitted to vote, I would vote "nay." Therefore I withdraw my vote.

I announce that the Senator from Minnesota [Mr. Mccarthy], the Senator from New Hampshire [Mr. McIntyre], the Senator from Montana [Mr. McCarthy], the Senator from Missouri [Mr. Morse], the Senator from Maine [Mr. Muskie], the Senator from Rhode Island [Mr. Pastore], the Senator from Connecticut [Mr. Rmucoff], and the Senator from Florida [Mr. Smathers] are necessarily absent.

I also announce that the Senator from Oklahoma [Mr. Harris] is absent because of an illness in his family.

I further announce that the Senator from Arkansas [Mr. Fulbright], the Senator from Tennessee [Mr. Gore], and the Senator from Ohio [Mr. Lausche] are absent on official business.

I further announce that, if present and voting, the Senator from Oklahoma [Mr. Harris], the Senator from Rhode Island [Mr. Pastore], the Senator from New Hampshire [Mr. McIntyre], the Senator from Maine [Mr. Muskie], and the Senator from Florida [Mr. Fulbright] would each vote "yea."

On this vote, the Senator from Oregon [Mr. Morse] is paired with the Senator from South Carolina [Mr. Thurmond]. If present and voting, the Senator from Oregon would vote "yea" and the Senator from South Carolina would vote "nay."

Mr. DIRESEN. I announce that the Senator from California [Mr. Kuchel], the Senator from Connecticut [Mr. Thurmond], and the Senator from Texas [Mr. Tower] are necessarily absent.

On this vote, the Senator from South Carolina [Mr. Thurmond] is paired with the Senator from Oregon [Mr. Morse]. If present and voting, the Senator from South Carolina would vote "nay" and the Senator from Oregon would vote "yea."

On this vote, the Senator from California [Mr. Kuchel] is paired with the Senator from Texas [Mr. Tower]. If present and voting, the Senator from California would vote "yea," and the Senator from Texas would vote "nay."

The yeas and nay are as follows—yeas 42, nays 42, as follows:

Aiken... Mose
Bayh... Hollings
Bell... Humphrey
Brooke... Jackson
Brown... JOSEPH
Cannon... Kennedy, Mass.
Case... Kennedy, N.Y.
Carnahan... McNamara
Cooper... Mansfield
Covey... Sherman
Cruson... Scott
Giffin... McGovern
Gruening... Tydings
Gruening... Montgomery
Hartke... Morton
Hartke... Young, Ohio

[No. 51 Leg.]
YEAS—42

YEAS—42

YEAS—42

YEAS—42

YEAS—42

YEAS—42

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YEAS—42

YEAS—42

YEAS—42

YEAS—42

YEAS—42

YEAS—42
We could cancel some of the new projects, H.R. 15399 be recommitted to the Appropriations Committee with instruc-

tions that it report back to the Senate with the total amount included in it reduced to $1,216,020,863.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Delaware to recommit the bill.

Mr. WILLIAMS of Delaware. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WILLIAMS of Delaware. Mr. President, if my amendment to recommit the bill is adopted it would give the Appropriations Committee full authority to establish priorities as to where these cuts will be made. The administration has announced an agreement and Congress, working together, should establish the priorities as to the number of dollars that should go to impacted areas, a program which has merit and should be considered. At the same time the committee should come up with a plan wherein it can cut back on other phases of this program. Altogether, as I have stated, without this amendment $189 million more will be added to the bill than was requested by the budget. That is, if we decide tomorrow we are opening hearings with the Secretary of the Treasury, who will be asking Congress to increase taxes. I think we should all decide how far we can go in making these tax increases in order to pay for the extra programs. Mr. President, I hope that my amendment will be adopted.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Delaware [Mr. WILLIAMS] to recommit the bill. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the affirmative). Mr. President, on this vote I have a pair with the distinguished Senator from Connecticut [Mr. FENNOFF]. If he is present and voting, he would vote "nay". If I were permitted to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia. I announce that Senator from Minnesota [Mr. MCARTHY], the Senator from New Hampshire [Mr. MERKLEY], the Senator from Georgia [Mr. MOORE], the Senator from Maine [Mr. MUSKIE], the Senator from New York [Mr. NICHOLS], the Senator from New York [Mr. SMATHERS], the Senator from Florida [Mr. SMATHERS], and the Senator from Oklahoma [Mr. HARRIS], are absent because of an illness in his family. I further announce that the Senator from Tennessee [Mr. GOARD] is absent on official business.

I further announce that, if present and voting, the Senator from Oklahoma [Mr. HARRIS], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Oregon [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], and the Senator from Florida [Mr. SMATHERS], would each vote "nay."

On this vote, the Senator from Rhode Island [Mr. TOWER] is paired with the Senator from Texas [Mr. TAYLOR]. If present and voting, the Senator from Texas would vote "yea," and the Senator from Rhode Island would vote "nay."

On this vote, the Senator from California [Mr. KUCHEL] is paired with the Senator from South Dakota [Mr. RAMEY] and the Senator from Texas [Mr. TOWRE] are necessarily absent.

Mr. MONROE. Mr. President, this is a very simple amendment, one that is contained in the billion dollar turn-over that is being submitted by the Treasury Department of a regulation that has been important for...
about 40 of our 50 States. The program of industrial expansion, the program of attempting to prevent the overcentralization of industry in our ghetto centers, has been of real and genuine concern to many people. That is why it has been to the Members of Congress.

As a counteraction to that tendency, we have endeavored, through the Economic Development Administration, through the poverty program, and through many other Government financial programs, to try to provide facilities for industrial locations, generally new plants, in the rural areas of America. These programs have given a vast surplus of underemployed facilities a basis on which, if given an opportunity to participate in today's industrial world, turn out a splendid accounting of their labor, their discipline, and their eagerness to produce, and who do not engage in rioting, demonstrations, and other forms of trouble that often occur in our ghetto centers.

If we are to make effective that in which we say we believe, that we should not have to wait a decade or a week to receive every means at our command to try to prevent the outflow of the population that is located throughout this Nation in the less congested areas, including the countryside, by establishing a program that has worked well without Federal Government assistance.

This program has involved the permission for municipalities, counties, or States to issue industrial development bonds, which are backed up by the value of the property, the real estate, the machinery that makes up these expanded industrial facilities in rural or not over-populated areas, and which have provided opportunities to find new skills, new markets, and new prosperity for States that heretofore have been troubled and bothered by the loss of population through outmigration from rural areas.

We all know that, thanks to modern agricultural machinery, the preponderance of rural people which once comprised the major portion of our country's population no longer exists. We all know, we could not afford to do without help and encouragement from the States and municipalities.

Thus, without an expense to the Federal Government the States, the counties, or the municipalities have, at their own expense, issued revenue bonds, guaranteed by the full faith and credit of the counties, or the State, and those bonds have found a ready market because of the tax exempt status of the interest earned on the bonds. But less than a week ago, the Treasury Department, without notice to anyone, imposed a new taxation before the committee, without yeas or nays, on Congress itself or even the courtesy of an announcement, totally without notice, discontinued the preapproval of the tax exempt status of this type of bond.

This has shaken the status of the act. It has stopped the opportunity for a flow of capital for the necessary expansion in rural areas of these plants that have been bargaining or looking for areas in which to locate, where the supply of labor was dependable, where living costs were less, where, without uprooting families from their homes, their churches, their schools, and their associations, they have been given hope and opportunity—a program that is beginning to work well.

I do not think we could find the money in the Treasury to subsidize these plants, or to underwrite them on a national basis to the extent necessary to encourage this decentralization of our industrial resources for the purpose of this nonurban expansion.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. MONROONEY. I yield.

Mr. CURTIS. I am very much interested in what the distinguished Senator from Oklahoma is saying.

Tax-free revenue bonds may operate differently in different States. In some places, they are limited, for repayment purposes, to revenue only. But here is the basic problem: For years and years, these revenue bonds, exempt from taxation, and the Treasury Department has chosen to impose a tax on them by Treasury edict or regulation. It is the most arrogant, brazen action I have ever known. The Constitution itself provides the power to tax, the power to legislate and the power to tax; and the Treasury has imposed a tax that did not exist before.

Regardless of what our individual views may be on tax-exempt revenue bonds, whether we believe they should be taxed or not, we should do something about it. Tax-exempt status is an issue of great personal concern. If that is not now imposed, the amendment. I believe that it is the only way we can begin to deal with the problem. And I think it is unwise for the Treasury to tax them. The intent of the amendment is to show the Senator from Oklahoma that the Treasury Department has chosen to impose a tax that is not now imposed.

Mr. MONROONEY. The Senator is exactly correct. That is the sole purpose of the amendment. I believe that it is the only way in which we can, today, to the extent that we object and we will not tolerate the Treasury itself legislating taxes or imposing a raise on taxes heretofore made exempt by statute, by law, and by custom.

This will give the Treasury $25,000, and the Record will show that it is for the purpose of continuing the examination of these applications for preclearance of their tax exemption on this type of municipal bond, or of county bonds or State bonds that are being used, to a considerable degree, to substitute for federally appropriated funds to accomplish the same purpose.

I think it is high time that Congress legislate in this field. And I shall call for a roll call on this matter. I think that Congress should show its determination to put a stop to this unmerited, unwarranted, and, I think, unlawful interference with the programs developed by the local communities to provide some relief from the creation of any type or kind of dangerous ghettos throughout the Nation.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MONROONEY. I yield.

Mr. PROXMIRE. Mr. President, will the Senator from Oklahoma indicate whether he has any estimate as to the effect of his amendment on revenues?

Mr. MONROONEY. The effect on revenue is minimal, because the only thing that would be taxed would be the interest earned from these revenue bonds which are not taxable. However, let me say that the municipalities and the counties have been putting their faith in and proceeds of the bond issue would not have to go to the ghetto to find decent jobs equivalent to the capacities of those who have left those areas. I am told the amendment is germane—to show the Treasury Department that we expect them to continue to follow a practice that has been following for many years, affecting what has become a part of our federalism.

The great industrial corporations are not going to do this alone. The citizens in these communities do not have it within their capability to do this without this feature. I can show the Senator dozens and dozens of industrial opportunities in the underpinning of our decentralization of our industry in overcrowded areas, and offering rural areas at least a chance to bid against the metropolitan areas for the location of plants. The citizens of the county, the municipality, or the State have been willing to exchange bonded indebtedness for an opportunity, and they have of obtaining such an opportunity, and thus to be able to offer the kind of a plant necessary to support and maintain the kind of industry that is seeking a location.

We estimate in Oklahoma that this decision would block the employment of as many as 16,000 people.

We have 12 counties and 11 municipalities across Oklahoma that are gearing up to provide industrial plants. At least $18 million in nonexempted bond funds could be frozen, money that has already been precleared. If the IRS proceeds without congressional approval, which I believe it is unwise for the Treasury to do, I think it is legally impossible for them to accomplish this. However, rather than to freeze those funds, which are the result of years of work, I think it is high time that Congress legislate in this field. And I shall call for a roll call on this matter. I think that Congress should show its determination to put a stop to this unmerited, unwarranted, and, I think, unlawful interference with the programs developed by the local communities to provide some relief from the creation of any type of dangerous ghettos throughout the Nation.
their bonds would sell at lower rates because of the nontaxable feature.

If we follow the recommendation of the Treasury Department, we might as well jump off the dome of the Capitol and expect any capital to flow into this type of expansion.

Mr. PROXMIRe. Is it not true that the amount of tax-exempt revenue bonds issued for industrial purposes has increased by manyfold over the past few years? And is it not also true that this huge and growing exemption or loophole in the tax law will grow far bigger in the future and could amount to a sum to the Treasury of hundreds of millions of dollars.

Mr. MONRONEY. I doubt that it would amount to that much money. However, it would amount to a lot more than that if the Federal Government finances it. And that is the only other source of financing.

I am sure that the distinguished Senator from Wisconsin does not want the Federal Government to be the producer of capital for this expansion. I know he does not want the airports in his State or in my State to go to another type of financing and have the Government match 90 percent instead of the present 80 percent for a runway expansion.

I think the bonds issued to build any airport according to the modern safety standards would have to pay at the same rate, even though it were for a runway expansion, as one of the big distilleries would have to pay.

I think the public is entitled to the break that historically, traditionally, and, I think, constitutionally has been allowed to the local governments which issue tax-exempt bonds.

Certainly an airport is important enough to justify the issue of tax-exempt bonds. I think it falls in the same category as the streets, or the sewerage plant. If they follow this theory to the utmost, they would be able to knock out not only industrial bonds, but also any other type of revenue bond. Certainly waterworks or those of that kind are, in effect, revenue bonds.

Mr. PROXMIRe. Mr. President, what concerns me more is that we in Wisconsin have not in general followed the policy of issuing tax-exempt revenue bonds for the location of industry. Many people feel that it is a loophole, that it is unethical and undesirable.

We have, however, found that industry which has been located in Wisconsin has put many of our State into other States which have used this tax-exempt revenue bond device.

How does the Senator answer the argument that the tax exemption should be used as sparingly as possible and can only be justified on the grounds that it is for an essential municipal purpose such as education, health, or something of that kind?

As the Senator must know, the reports that I have read show that the effect of these revenue bonds which are tax exempt are put out strictly for industrial purposes and result in a tremendous windfall for industry which can locate in an area based upon their ability to a great extent to have their capital exempt from Federal taxation.

Mr. MONRONEY. They have to retire the full amount of the bonds. The only place that the municipalities are favored is by the amount they have to offer on the market.

I do not think that any Member of the Senate wants the municipalities or local governments to suffer from the withdrawal of the discount or from a lower discount than is necessary to market or merchandise these bonds.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MONRONEY. President, I yield.

Mr. HOLLAND. Is it not a fact that the Treasury Department for several administrations back has had bills introduced in Congress in an effort to strike the tax-exemption feature from the interest on various municipal and State and public bonds of various kinds and that Congress has refused to follow that philosophy?

Mr. MONRONEY. The Senator is exactly right. Yet, the Treasury, without a hearing, without notice, and without consultation, and without notifying any Member of the Senate that I know of, has deliberated and has prepared legislation and has made up their mind despite all of the negotiations that have been carried on for a long time and the plans and specifications that have been drawn on the pending bond issues, which are now in limbo.

The effect of the pending amendment for the amount of only $25,000 in order to continue the work that has been done by giving preclearance exemptions.

I admit that there have been some abuses. The SEC has been moving in this field. Last month the SEC issued an order to correct any abuses which occur by reason of charging for investigation, engineering, or the merchandising of bonds.

We will have this regulation where it should be, in the SEC, for insuring the full faith, credit, and value of this type of financing.

Mr. HOLLAND. Mr. President, it seems to me that this is a matter that should be studied by Congress. The very fact that this matter has been suggested to Congress time and time again in perhaps various forms and has never received favorable response from Congress shows that the Treasury is now trying to do an end run around Congress.

I think there have been abuses in this field. I have no doubt that if the matter is properly presented to the Congress in the interest of distinguishing between those things that are necessary, desirable, and wise and which should not be taxed by the Federal Government and other matters which are not municipal, legislation can be passed. There is no justification at all for small communities issuing bonds for waterworks or sewerage and other quite necessary public uses having to pay a higher rate of interest simply to augment the Treasury here in Washington.

It seems to me that legislation should be proposed rather than to have an end run of this kind attempted.

I shall support the Senator.

Mr. MONRONEY. Mr. President, I appreciate the statement of the Senator. This is a stopgap measure until they can come to Congress formally and present their matter and get their determination.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield.

Mr. MURPHY. Mr. President, does the Senator agree with me that the expenditure of this very small amount of money would constitute probably the finest bargain that I have heard of since I have been a Member of the Senate?

I do not think the efforts by the Treasury and other departments of the Government encroaching upon what has been properly a function of Congress, if we can spend $25,000 every day to stop this practice and get the characteristic of this Government back the way it should be, I would like to do it.

I congratulate the Senator. I will support his amendment enthusiastically.

Mr. MONRONEY. I appreciate the sentiments of the Senator from California.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield.

Mr. CURTIS. I should like to point out that even if one were to accept the argument advanced by the distinguished Senator from Wisconsin that these bonds should be taxed, the only branch of government that can impose the tax is Congress; and the issue is, is Congress, on behalf of the American people, going to defend its exclusive right to impose a tax.

Mr. MONRONEY. The Senator is eminently correct.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield to the senior Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I can understand the objective that the Senator from Oklahoma is attempting to achieve. I do not believe the amendment he has offered will accomplish it.

All that the Monroney amendment does is to give $25,000 more to the Treasury Department. It does not even mention the ruling.

Mr. CURTIS. The Under Secretary called my office and told me they were going to announce the ruling to which the Senator has referred. The Under Secretary was speaking about the abuse, and there has been some abuse under this program. I told him that I recognize the abuse and would help him correct it but that its correction should be achieved legislatively, not administratively. We are a government of law. I believe it should be done by the Congress rather than by the Treasury.
industrial bonds until they have had hearings on the ruling and decided whether or not to make it final.

I suggested to the Treasury that when they come before our committee on the excise tax and other proposals they be prepared to present to the committee an explanation as to what they are trying to achieve. They should be prepared to tell us what loopholes they are trying to close, and then it should be done legislatively, as an amendment to the bill which will be coming before Congress within the next 10 days.

If we believe we can at the same time eliminate other loopholes and abuses that have been occurring—and there have been some abuses under it, I am familiar with that. I believe that we can correct this much better with an amendment to a tax bill. As I understand the amendment, all it would do would be to give an extra $25,000 to the Department. Nothing in the amendment says they have to cancel the ruling.

They have already announced the initiation of the ruling. You are right on the tax bill. I do not believe there is to give an extra hearings on the ruling and decided the same time eliminate other loopholes and abuses that have been occurring—and there have been some abuses under it, I am familiar with that. I believe that we can correct this much better with an amendment to a tax bill. As I understand the amendment, all it would do would be to give an extra $25,000 to the Department. Nothing in the amendment says they have to cancel the ruling.

Perhaps the Senator from Oklahoma will want to testify on this point, and then we can give what answer we can come up with. If we cannot agree with the Treasury Department upon a solution then we can offer an amendment in the committee or on the floor, but do it legislatively so that it will have some binding effect.

Lest there be any misunderstanding—and as explained to me—the ruling will not in any way affect the present tax-exempt status of water and sewerage bonds and other types of municipal operations.

MR. MONRONEY. What about airports?

MR. WILLIAMS of Delaware. The Department did not mention airports.

MR. MONRONEY. Because that is a revenue-producing facility, you cannot extend a runway 10 feet without getting involved.

MR. WILLIAMS of Delaware. Those are the points we must clear up legislatively. The Department specifically mentioned water and sewerage and other types of municipal operations. We do not know whether airports are included. These are points that can be raised better by the committee when the Secretary is before it. I understand the Secretary will appear before the committee tomorrow morning or Wednesday at the latest.

After we find out exactly what they propose to do in connection with this ruling—which we do not know now—we can consider legislation.

I do believe there would be any objection on the part of the Senator from Oklahoma or anyone else in correcting some of the glaring abuses that have been cited under the present exemption. I believe we can arrive at a happy medium, spell out what we are correcting, and spell out the point beyond which we do not want to go.

I make that suggestion as one who agrees with the Senator to the point that we do not want legislation enacted by the Treasury Department by the mere issuing of a ruling, thus changing the method of Interpreting a law that has been in place for 15 years. Let us change it in Congress and know what we are doing, and until it is changed by Congress the Treasury Department should stand by the present law.

May I respectfully suggest that the Senator agreeing with me, but it is like hanging a man and then giving him a fair trial.

The bond market is going to be shot by this situation for 6 months or for a year before recovery. I am trying to maintain the status quo against legislation by the Treasury Department, until the committee can get around to hearing the matter.

It is not too difficult to postpone the date from the 15th until the people can be heard. In the meantime, let us say, loud and clear, that here is $25,000 for the Secretary of the Treasury; and the record of this debate will show that we are living up for a continuation of the preclearance or approval of tax-exempt status for those types of bonds which have historically been considered tax exempt by the Treasury and by the various municipalities and their branches. I believe it is little to ask. If they do not spend it for this purpose, they will be misusing it.

I hope we can have a unanimous vote and then the book is closed on the discussion of these functions by a bureaucracy.

MR. WILLIAMS of Delaware. The Senator will admit that even if his amendment were agreed to unanimously there would not be a solution which would require the Treasury Department to rescind its present ruling, nothing at all to provide a solution to the problem. If we are to change the law it will be better to do it by legislation in the tax bill when it is before us. The amendment offered here today will not solve any problems.

MR. MONRONEY. I do not agree. I am attempting to keep a sick body alive with a pulsator, until we can pass on proposed legislation. I do not believe in having rigor mortis set in and then trying to bring the body to life.

MR. BAKER. Mr. President, will the Senator yield?

MR. MONRONEY. I yield.

MR. BAKER. I thank the Senator from Oklahoma, and I commend him for this move.

May I state at the outset that I entirely agree with what he is doing, and under the circumstances, the method by which he attempts it.

May I inquire, to make sure that I fully understand the situation, whether the Senator and I were of the same view that nothing in this amendment would require the Treasury Department to reverse its position as stated on the matter of no more prospective rulings in this field.

MR. MONRONEY. I would say that the legislative history is always the prime document to which any administrator looks. I believe enough legislative history has been stated on the floor on this issue. As far as a neon sign in front of one's face that Congress is irritated and disgusted with this preemption of legislative power, and we intend to hold the status quo until we get through with appropriate Senate committee action.

Mr. Baker. I agree completely. Notwithstanding the answer that the Senator from Oklahoma has made that there is no compulsion in the amendment that we are attempting to have the Treasury Department, I believe that this field is so broad and of such great importance to so many areas of the United States, and so well embodies the concept of self-help for the further Industrialization and social and economic development of underdeveloped areas, that it would be shameful if we stood by and, by a shortage of money, by a shortage of expression of support or opposition or opinion, or by a negative wink which would be abundantly clear to the Treasury Department, to all who may read this Excom, that the concept of self-help embodied in revenue bond situations is something in which we wish to see it continued without being fettered by administrative and bureaucratic bottle-necks.

Mr. President, I would also like to say from Delaware [Mr. Williams] that there are abuses of this practice, and that this is an area where there should be close supervision and corrective legislation. However, the one point I would stress for the consideration is the urgency of time because, as a former practicing attorney, I know that there are many who are now in the process of attempting to issue revenue bonds, who may have signed contracts for developments which are most worthwhile in their areas. If the Treasury Department follows this course that would make the security proposed to be issued totally unmarketable.

VISIT TO THE SENATE BY MEMBERS OF THE JUDICIARY COMMITTEE OF THE FRENCH SENATE

MR. MANSFIELD. Mr. President, the Senate is honored, indeed, this afternoon to have four of its distinguished members of the Judiciary Committee of the French Senate in attendance. We are delighted to have them as our guests and to see us at our work.

Mr. President, at this time I wish to introduce Senators Marcel Frelot, Pierre Marcilhac, Marcel Molle, and Jean Geoffroy. [Applause, Senators rising.]

Mr. President, I move that the Senate stand in recess for 1 minute for the purpose of greeting our distinguished visitors.

The motion was agreed to; and (at 4 o'clock and 11 minutes p.m.) the Senate took a recess.

During the recess, members of the French Senate were greeted by Members of the Senate.

On the expiration of the recess, the Senate reassembled and was called to order by the Presiding Officer (Mr. Horne in the chair).
The Senate resumed the consideration of the bill (H.R. 15399) making supplemental appropriations for the fiscal year ending June 30, 1968, and for other purposes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. MONRONEY. Mr. President, we have discussed this matter rather fully. I was going to yield the distinguished Senator from New Hampshire, but he has temporarily left the Chamber.

Mr. Hruska. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield.

Mr. Hruska. Mr. President, I rise to support the Senator from Oklahoma in his contention and in the construction he places on this appropriation of $25,000, which is a vehicle for us to express our collective concern about the situation that has developed. I fully agree with the Senator from Oklahoma that unless we prevent a loss of momentum in this matter it will reflect great and irreparable harm.

There is functioning now a subcommittee of the Committee on the Judiciary that deals with this problem of separation of power. There is no question as to where legislative intent is in this matter, as has been developed by my distinguished colleague from Nebraska (Mr. Curts) a little bit ago in excellent fashion.

There is no question that the legislative intent is that this policy, which has been voted upon by the Treasury in favor of the procedure that prevailed up until now, should continue until there is legislative change. Now, along comes the Department which seeks to take unto itself legislative power.

Here is a chance to deal with the matter and to deal with the matter very emphatically.

For that reason I support the amendment of the Senator from Oklahoma.

Mr. MONRONEY. Mr. President, I appreciate the assistance of the Senator.

Mr. YOUNG of North Dakota. Mr. President, do you yield?

Mr. MONRONEY. I yield.

Mr. YOUNG of North Dakota. Mr. President, I wish to say in a few words that I support the position of the Senator from Oklahoma. A big eye vote here would say in no uncertain terms what the Senate thinks about the Internal Revenue Service in effect enacting legislation.

If there is some other and better approach to be handled in conference with the House of Representatives and the House conference could say that perhaps it should be handled through a legislative committee. But this would state in no uncertain terms what the Congress means.

Mr. HILL. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield.

Mr. HILL. Mr. President, as a member of the Appropriations Committee, I wish to say that the committee, of course, did not have this amendment before it and, therefore, did not have an opportunity even to consider it. Because of the views expressed on the floor today and the views expressed by the senior member of the committee, the Senator from North Dakota (Mr. Young)—and I understand the Senator from Oklahoma discussed the matter with the Senator from South Dakota (Mr. Munson)—

Mr. MONRONEY. Briefly. He was at a hearing and I did not fully explain it.

Mr. HILL. He could not take it to conference. I think we should have a vote and the Senator from Oklahoma has not yielded.

Mr. MONRONEY. I thank the Senator.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LONG of Louisiana. Mr. President, when the Senator has completed his remarks I would like to claim the floor. Mr. MONRONEY. Mr. President, does the Senator from Louisiana desire the floor in his own right?

Mr. LONG of Louisiana. Yes.

Mr. MONRONEY. Mr. President, I shall close in 1 minute.

With hardly any dissenting votes, when the poverty program was before us my junior colleague and I offered an amendment to earmark $80 million of the funds appropriated in that bill for research to find ways and means of locating industry in underdeveloped areas, such as the rural areas. The proposal breezed through on a unanimous vote, with the consent of Mr. Sergent Shriver and the Senator from Pennsylvania (Mr. Clark), the man who handled the bill. There was voted $50 million to encourage this development.

Here is something that will not cost 1 cent. I doubt that $25,000 will be spent but it shows our determination that we intend to stop creating new ghettos, that is to say, the distribution economically, psychologically, and physically for our population now moving so heavily from underemployed areas to overcrowded centers.

For that reason I think it is an important amendment that only one that is a stop-gap measure, but that one is also necessary to prevent demoralization of the bond market.

I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I think that amendment will be accepted. During my term as Governor of Wyoming we passed legislation which permits municipalities of the State and the counties, as well, to employ this device to achieve purposes so clearly set forth by the distinguished Senator from Oklahoma.

It is frustrating and disappointing, indeed, for a city, for a county, or for some other subdivision of government to try to work around a bond loophole, is not paying local real estate taxes whereas many times companies with whom it is competing in the same area are given the tax loophole. It firm a decisive competitive advantage.

Mr. MONRONEY. That is up to the local municipality to determine.

Mr. GRIFFIN. Mr. President, is there another amendment?

Mr. MONRONEY. If the Senator keeps on making the cars, let us make the tags that go on the cars and we will be happy with that additional employment.

Mr. MILLER. Mr. President, will the Senator from Oklahoma yield?

Mr. MONRONEY. I yield.

Mr. MILLER. Mr. President, before we vote, I should like to bring something into perspective here. I have had the opportunity to see the way industrial revenue bonds work. I must say that I do not believe they have caused industry to run from one State to another. The Senator from Wisconsin pointed out that there was some problem about some industry leaving Wisconsin. I am sure that if any state was to put a tax on industry leaving a State to go to another State, it would not be a matter of closing up a plant just to go to another State and have a new one opened up. It would be a case of where the tax environment in the home State caused them to leave to go to another State where the tax environment was better.

All the industrial revenue bonds do is help an industry or to help an industry to stay where it will locate a new plant. It may mean that a new plant might not locate in Wisconsin but in another State. That does not mean that they will take industry out of Wisconsin or, perhaps, will not take the tax loophole. I do not think it works out that way.

Mr. MONRONEY. I agree with the Senator.
Mr. MILLER. I think that fact should be brought out in considering the amendment. I shall support the Senator's amendment, because I also feel that the Treasury Department should have done a little more, and considered with the Senate before it undertook to issue its proposed ruling.

Mr. LONG of Louisiana. Mr. President, the Senator serves on the Committee on Appropriations and the Committee on Finance, which handles capital budgetary measures. The Senator comes before the Senate and proposes an amendment to an appropriation bill to try to force the Treasury Department to change its ruling in regard to the tax-exempt industrial bond matter.

My State of Louisiana happens to be one of the States which employ these bonds in attracting new industry. The Appropriations Committee has no jurisdiction over this matter whatever. Not only does it have no jurisdiction, it has not had any hearings on it. It would be inappropriate for that committee to hold these hearings, because it has no jurisdiction whatever.

So here it is proposed to increase appropriations to the Treasury Department for the purpose of saying that the increased appropriations shall be used to reverse the Treasury Department ruling. Who knows whether the Treasury Department ruling is right or wrong? I know something about tax-exempt bonds. Goodness knows, I should. My office has been trying to help get these sophisticated tax arrangements approved for plants to be built in Louisiana.

At one time, those industrial bonds gave the States which used them an advantage. Other States found it necessary, in competing for industry, to do the same kind of thing. First one State and then another got into it. But when many other States adopted their use Louisiana got into line. When industry talks about going into a State, some of them are smart enough and sophisticated enough to explore the possible advantages, concessions, and so forth, which they could wring from a State. That is easy enough to get from a State an agreement to give immediate financial assistance in financing its plant, so that a company would want to locate in the State.

When that started in Southern States, the Southern States had some advantage. Other States found it necessary, in competing for industry, to do the same kind of thing. First one State and then another got into it. I understand that now more than 40 out of 50 States use the bond system, and it will soon be 50 States out of 50 States.

If a State does not build a plant, then the county would. Or perhaps the dock board would; or if it will not do it, a special authority will be created and it would build it. Then the plant is leased back to industry. That is not an illegitimate practice. I think that is the function of a State to do just that which it is appropriate for the State to do. The use of an exemption from Federal taxes is something that a State enjoys.

But, if we want to subsidize someone, why start out with the biggest corpora­

any industry. That is not an illegitimate appropriation for the thing. First one State would want to locate in the State. The authority would be created and it would finance its plant, so that a company would want to locate in the State.

Mr. President, the question of whether the Senator is right in his amendment depends upon whether the initial Treasury Department ruling was right. When the States, first one and then another, begin to exempt private industry financing from tax on the interest borrowed to build such plants, it will be subject to a hearing where both sides, business and the Treasury Department, can tell its views. Business generally has regarded this thing as being unethical, and that it was wrong or right.

Tomorrow we have holding hearings before the committee. We have not had a hearing thus far. The committee is meeting tomorrow on a bill to extend an important provision which has an expiration date. It will have to pass that bill to maintain them, otherwise those taxes expire. They are excise taxes on automobiles and telephone communications. If one wants to offer that amendment, he must be smart enough and sophisticated enough to get the Senator's distinction committee having had a chance to consider the ruling. This is not a ruling of the Finance Committee; it is a ruling of the Secretary of the Treasury over which we have no jurisdiction.

We are here to legislate. We are not here to accept the assumption of power, by acquiescence or by negligence, or whatever you may call it, of that assumption. We have the right to legislate in this field.

This has been the law, and now it has been changed to terminate on a certain date by a mandate of one of the departments of the Federal Government; it is under the jurisdiction of the distinguished Senator's Committee on Finance.

The Senator's committee is going to have hearings. This proposal does not say from now on until kingdom come. It is made clear by the legislative history that the law which has been in effect, which has been the custom, which the Senator's committee has approved of, agency, by acquiescence, if not by def­

rection, which has gone on for years and years, shall not be shot down in midair, without notice.

We could not do anything about it in the appropriations bill because I did not know anything about it. We did not know about it. Why was it done so surreptitiously? I had to read about it in the Wall Street Journal to learn anything about it. There have been reper­
ences in my Home State with respect to many, many projects which people have been working on for years to interest underwriters to accept the responsibility of marketing bonds. They have no right to be shut down at the Senator wishes to have hearings by his committee, I welcome the opportunity to appear, but until that is done, I
expect the Senator and others to observe the law as passed by the Congress, and not by any department downtown.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. MONRONEY. I yield.

Mr. LONG. I assume that if that ruling is wrong, and the committee or the Senate itself can change that ruling, it can change it retroactively, and completely. If it had happened at all, I have seen retrospective measures before. I am sure we would do it in this case.

I had knowledge that that ruling was going to come down sometime soon. I was aware of the fact. I was also aware of the fact that we were going to take a look at it and decide what we were going to do about it one way or the other.

One of the questions, I believe, that any of us were considering was what to do if the Treasury was going to change the law, which I do not think it is. We do not want to surrender by waving a white flag. I do. Certainly we do not want to jeopardize the very delicate market situation. The Senator from Delaware indicated that the ruling without notifying any of us would be more confusing than for a thousand dollars. The next thing, I suppose, is that if it can be reversed, it is just doing it.

Mr. LONG. Mr. President, if the committee has had an opportunity to hear that. When a thousand dollars is invested in industrial development by industry itself or by the industries that locate in plants established with the help of States or municipalities, that represents the tax yield of one job. One job. Oklahoma has 16,000 potential new jobs. That means 16,000 taxpayers who were probably tax users before we had this plan.

I do not defend all of the system. The Securities and Exchange Commission has already moved to cut the fat out of the program, where it exists in the States. Ours is on the basis of full faith and credit of appropriate political subdivisions.

Mr. LONG. Mr. President, if the Treasury is to be reversed, it seems to me the ruling ought to be reversed by the Senate, and the House of Representatives should concur with it, if the House agrees. We would then have legislation on the statute books that would say just exactly how the bond market is to be treated. I think it is a rather meaningless thing.

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I submit to the Senate that the only result of this practice now is that 48 out of the 50 States have already adopted the practice. Business enterprise is supposed to profit. The Federal taxpayers' burden has increased. Why should we complain about a little tax on the Federal side, when they got the advantages and then subscribe to Pennsylvania or New York or Ohio offering tax advantages within our own Nation?

Mr. CURTIS. Mr. President, will the Senator interrupt in that respect?

Mr. LAUSCH. I yield.

Mr. CURTIS Mr. President, at the time that Ohio adopted this practice, were the bonds in question tax free?

Mr. LAUSCH. The bonds in question were tax free if they were considered to be a municipal issue. There were a few municipalities that were granted the privilege by the tax department.

I stated frankly that I went before the Federal Commissioner of Internal Revenue and argued: "You gave this privilege to others. Therefore I want it for Ohio. I believe it is wrong, but since you have given it to other States, give it to my State."

Mr. CURTIS. My point is that if those bonds were tax free, then the only power on earth that could make the bonds tax free was the United States. The States have no taxing power. That is the issue here, whether the Treasury will impose taxes or whether Congress will do so.

Mr. LAUSCH. The Internal Revenue Service concluded that this was a civic bond, that it was a tax-free bond by which 36 other governmental units throughout the nation were being provided as an inducement for business and industry to enter the State, it is one thing for the States to provide the subsidies, and I believe that is wrong; it is another thing for the Federal Treasury to impose tax for the promotion of the program, which I believe is doubly wrong.

If it were my way, I would allow the normal inclination of the Treasury to operate in inducing businesses to settle in various parts of the country. If that program were followed, unjustified subsidies would be eliminated, thus inducing business and manufacturers to settle in those communities where a healthy, unprejudiced, fair treatment of companies desires to enter, or other words, into those communities where normal business profit is not considered an evil.

The citizens of the United States complain about various nations of the world giving preferential tax treatment, and others, to that nation which is competing in the exportation of products, thus making it impossible for other nations to compete which do not give those special benefits. Why then do we allow wrongful and unjustified tax benefits and subsidies to be given without being worried about?

Mr. President, I interrupt my reading at this moment to ask the Senator from Louisiana whether he made the statement that there are now more than 40 States following such practice.

Mr. LONG of Louisiana. Mr. President, that is my understanding. I understand that in a very short time, all 50 States will find it necessary to do the same thing. So, what is the advantage?

Mr. LAUSCH. Mr. President, I continue to read:

I know that Ohio is one of the States that did not make the mistake, and I also know that it had to get into the game for competitive reasons. It should be stopped everywhere and a program formulated by the Federal Treasury allowing the competitive advantages of the various states to determine where business and industry will settle.

My only answer to that statement is that if the Senator is going to put his argument on the basis of which State can grant the greatest subsidies, and Ohio would be able to grant a greater subsidy than would Oklahoma. And that is wrong. New York would be able to exceed that of Ohio.

Mr. LAUSCH. My only answer to that statement is that if the Senator is going to put his argument on the basis of which State can grant the greatest subsidies, New York would be able to exceed that of Ohio.

Industry will, I suppose, go to those States where the greatest tax dispensation is granted. Louisiana will not be able to provide very much. Mississippi will be able to provide still less.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. LAUSCH. I yield to the Senator from Oklahoma.

The PRESIDING OFFICER. (Mr. Nelson in the chair). The Senator from Oklahoma.

Mr. CURTIS. Mr. President, I will not worry about the tax exemption that the distinguished Senator from Ohio is worried about because a few stray industries might receive a little benefit from the interest rate on bonds that have been issued.

My State of Oklahoma has been paying for 80 years for products of the State of the distinguished Senator from Ohio, manufactured in factories on a highly competitive basis and, therefore, one of the most distinct and perpetual overburdens and acts of favoritism to the manufacturing States that has existed in the history of the United States.

I do not intend to go into this matter too deeply. However, let us be fair about it and not be so niggardly as to regret the fact that bonds might bear a lower interest rate from the money lenders and say that this is a huge tax advantage.

The distinguished Senator from Ohio is continuing to protect the industries in his State on matters of taxation in a very able way. However, the States that are not industrially productive States have been paying the cost of highly protective tariffs for all of these years. And this is a matter of concern to us, because, if we are talking about discrimination, the State of Ohio has had it for a long time.

We would like to have a little tiny weeny bit of discrimination in the matter of financing and be able to get money from the money market instead of having to pay 5 per cent on the State bonds and say: "Build our factories for us."

Mr. LAUSCH. My only answer to that statement is that if the Senator is going to put his argument on the basis of which State can grant the greatest subsidies, Ohio would be able to grant a greater subsidy than would Oklahoma.

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Mr. LONG of Louisiana. Mr. President, I move to commit the bill pending before the Committee on Finance to the Committee on Appropriations, with a request that a copy of an editorial written in the Cleveland Plain Dealer of January 11, 1968, be printed in the record.

I arose, I sent to the Honorable Henry H. Fowler, the Secretary of the Treasury, a letter on this subject. I wish to read that letter:

I am herewith sending you a thermofax copy of an editorial written in the Cleveland Plain Dealer of January 11, 1968, Is it a fact that you have taken the following position, as set forth in this Plain Dealer editorial:

"The U.S. Treasury Department's approval of a proposal to close the federal income tax loophole in municipal bonds for industrial development shrank the chances of the nation of Louisiana whether he made the state statement that there are now more than 40 States following such practice.

Mr. LONG of Louisiana. Mr. President, that is my understanding. I understand that in a very short time, all 50 States will find it necessary to do the same thing. So, what is the advantage?

Mr. LAUSCH. Mr. President, I continue to read:

I know that Ohio is one of the States that did not make the mistake, and I also know that it had to get into the game for competitive reasons. It should be stopped everywhere and a program formulated by the Federal Treasury allowing the competitive advantages of the various states to determine where business and industry will settle.
going to ask the Senator to try to straighten it out for me. It seemed to me that the distinguished Senator from Oklahoma offered an amendment that objected to the fact that the Treasury Department was taking over the duties of Congress with respect to the propriety, no question as to all going to ask the Senator not this matter should be considered by the proper committees. That was not the point.

I believe that the thought of my time expenditure of $25,000 was done in my service in the Senate, if we could stop the roads and the incursions by the various branches of the Government which are improperly invading the functions that properly belong in Congress. This was the point in question.

The distinguished Senator from Louisiana made a point that this matter should have been referred to the committee—as to whether or not this law should be retained. The distinguished Senator from Ohio has referred to competition, and I am opposed to the idea that it has referred to competition, and I am opposed to the idea of the Treasury Department taking over the duties of Congress. This is as I understood it.

I am in complete agreement with the distinguished Senator from Ohio. I agree with Senator Lausche from Louisiana. But it seems to me that we have gone far afield from the actual discussion of the amendment. The hour is late, and I do not wish to become further confused, because I want to make certain that I know exactly what I am voting for or against. At the moment, I was enthusiastically supporting the position of the Senator from Oklahoma. I believe that the Treasury Department should not have a discretion of the propriety or impropriety of the entire practice.

Mr. LAUSCHE. I desire to be thoroughly objective and fair to the Senator from Oklahoma. The situation is that the Treasury Department made a ruling approving these tax exemptions. Subsequently, it changed the ruling.

Now, then, as I understand it, the argument that I am going to make from Oklahoma is that he does not believe the ruling should be changed until Congress changes it.

Mr. MONRONEY. The Senator is eminently correct. The purpose of the amendment is to have the time to reach a decision, rather than to have a long-existing policy summarized on March 15. That is only 3 or 4 days from now. Most of us heard about it only last weekend.

Mr. LAUSCHE. I reaffirm what I said about the basic proposition.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. STENNIS. Mr. President, most Members of the Senate know that I represent a State that is highly agricultural in its economy. They know, of course, that a great deal of the agricultural labor, farm labor, has been displaced by machinery.

This edict fell just the other day, and declared that after March 15 these bonds would no longer have certain benefits.

My little home county, altogether rural, has just voted on one of these industrial bond issues. They are ready to get located—and already have agreement to that effect—a new industry that will make farm machinery. The machinery will be sold within a radius of a few hundred miles. The people who will be employed will be the same people who have been displaced on the farms.

Incidentally, we have been talking about appropriating large sums of money to stop riots. This county has, in round numbers, 160 families of white people and 400 families of black people. This will benefit all of them. Just the other day they voted 2,300 to 25 in favor of the bond issue. That was on March 5. Now this edict comes out, without warning, without time to get ready, without time to prepare, without time to sell the bonds. It just means stop.

There is talk about subsidies and talk about fairness. This is a small unit of a rural State. It is not asking for a dime in a program of this type. It is trying to do something for itself and trying to do it itself. This is its instrumentality. It is about the only one we have left.

Certainly, in a sense of fairness, the Treasury Department should not itself. This is its instrumentality. It is about the only one we have left.

Certainly, in a sense of fairness, the Treasury Department should not have the financial capability to go where the problem is. Here is a local remedy, solely local, which will not cost the State of Mississippi or the local government a dime. It will just cost the people of that little county money if it is not a success.

Mr. HANSEN. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. Snowe in the chair). The Senator from Ohio has the floor.

Mr. LAUSCHE, I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, the point I wish to make—and it has been made before, but I believe it deserves emphasis—is that this sort of ruling by the Treasury Department, which now in jeopardy and which will shortly be reversed, on March 15, is not one that contemplates the stealing of industry by one State from another. In the State of Wyoming, we are talking about small businesses, the generation of small businesses that without this sort of help cannot get started. We are talking about taking the ideas that young men may have that are sound, which require financing to implement. But, if these ideas are financed, they would give people jobs, produce goods, use resources, generate income and payrolls, support the community at the outset. This is the kind of activity we are talking about. I think that this kind of financing makes good sense, despite the fact that there may be no new tax revenue realized from property initially. We have this sort of law on our books for a number of months, and we have not had General Motors, General Electric, or any big company say to us, "How much will you bid to us?" Or any community in this country would be better off, and my guess is that is where 95 percent of this sort of business will come from, not by pirating industry from another State.

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We say this legislation makes good sense because it will enable small corporations to get started—to employ people who are not employed or who are underemployed—and often times to use natural resources not being used.
I could cite chapter and verse in the State of Wyoming where we are bringing new businesses into existence. An example would be skiing. This amendment is not designed to help the Treasury; it is going to help it because it may help bring more nearly into balance the balance of payments. If we can interest people in going to Wyoming instead of Europe, I suggest everybody will be aboard.

We must keep in mind that this may be part of the activity that will be generated under this sort of proposition and it is not going to come from anywhere else. It will be putting people to work and using resources not being used. It will put people on the payroll, and thereby going to help it because it may help please the Treasury. In case I was taken to the airport by a meeting. When the meeting was concluded I was taken to the airport by a man who was a member of the Legislature back in 1952 while I was Governor. He said to me: This will interest you. We hitherto appointed a committee to study why industry was moving from Michigan into Ohio.

I was the Governor of Ohio at that time. Industry was moving out of Michigan into Ohio. They wanted to know why. Well, it moved into Ohio because we gave industry a square deal. We gave industry a square deal on the matter of tax burden, supplies of public services, supplies of healthy environment, and a guarantee that they would be given equality of treatment in the exercise of their rights as the possessors of an industry compared with the others which were competing there.

Mr. Griffith. Mr. President, will the Senator yield?

Mr. LAUSCHE. I yield.

Mr. GRIFFIN. Mr. President, I wish to ask the Senator, who was Governor of Ohio at that time, why industry moved from Michigan into Ohio.

Mr. LAUSCHE. If the Senator will pardon me, please do not ask that. [Laughter.]

Mr. MURPHY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. LAUSCHE. I yield.

Mr. MURPHY. Mr. President, I wish to say that the Senator from Ohio touched on the very basis of the whole question. You only do this where necessary. In a free enterprise system, you must exist on your own merits. I remember with profound gratitude the Governor of Michigan where they were told if a then-Governor of Michigan, who shall be nameless, was reelected, the entire automobile industry was going to move to Ohio.

I congratulate the great Senator from Ohio, not only on his record as Governor of Ohio, but the great and astute manner in which he points out difficult problems in the Senate.

Mr. LAUSCHE. I thank the Senator. I yield the floor.

Mr. LONG of Louisiana. Mr. President, I do not believe the Record is adequate to reflect what this is about even though we have been discussing it for some time.

What happened here is that the Treasury had the opportunity to change it. The Treasury is considering changing its regulations. The regulation has not been changed.

The Treasury has given notice, as it would be required to do under the Administrative Procedure Act, that it is considering changing one of its regulations.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I yield.

Mr. MONRONEY. It is my distinct understanding, and I have had no help from the Treasury although I have talked to several people, that this is effective, and I repeat effective March 15. Is that true or not?

Mr. LONG of Louisiana. It is not completely true. I shall tell the Senator why.

What the Treasury has announced is that it is considering a change of regulations. They are giving industry notice and industry is privileged to request hearings on this matter, when the Treasury actually sets for the regulations they propose and which they are considering.

Here is the text of the Treasury announcement:

TECHNICAL INFORMATION RELEASE 972, MARCH 6, 1968

The Treasury Department today announced that it is reconsidering its position on the tax exempt status, under section 103 of the Internal Revenue Code, of interest paid on so-called industrial development bonds.

Generally, under such bonds, a municipality or political subdivision; however, the debtor, in reality, is the private corporation which will use the facility constructed with the proceeds of the bond issue.


On or about March 15, 1968, a proposed regulation will be published in the Federal Register. Interested parties will be afforded an opportunity to submit written comments in regard to the proposed regulation.

The proposed regulations, when issued, will provide that such bonds will not be considered to involve the credit of a State, agency of a State, or a possession of the United States, or any political subdivision of any of the foregoing, or of the District of Columbia within the meaning of section 103(a) (1) of the Internal Revenue Code.

These regulations will only apply to such bonds sold after March 15, 1968. In addition, these regulations will only apply to such bonds sold after March 15, 1968. In applying the March 15 effective date, bonds will be considered sold on the date on which a buyer or underwriter enters into a binding contract with the issuer to purchase the bonds at a fixed price.

Accordingly, the Internal Revenue Service will publish a Revenue Ruling revoking Revenue Rulings 54-106 and 57-187, effective with respect to so-called industrial development bonds sold on or before March 15, 1968. However, these Revenue Rulings do not take into account the effect of provisions making the redemption of such bonds mandatory in the event that legislation is enacted, a regulation is promulgated, or a Revenue Ruling is issued affecting the tax exempt status of interest paid on such bonds.

The Revenue Service announced that it is not studying the effect of mandatory provisions of this general nature on the tax exempt status of interest paid on such bonds under section 103 of the Code and the Revenue Rulings thereunder.

The Revenue Service also announced today that it will no longer issue ruling letters with respect to certain development bonds. However, ruling requests received before the close of business on March 6, 1968, will be processed. Where such requests involve mandatory redemption provisions, favorable rulings will not be issued.

The regulation they suggested would provide that bonds sold after March 15 would be subject to taxation. However, there is nothing at all that binds the Treasury to stay with the date of March 15.

Some Senators may have had some occasion to debate the issue about swap deals and the Senator opposite down 2 years ago. In that case there was a change of Treasury regulations proposed that involved those who used swap funds. They found it to their advantage to use them because they received very favorable tax treatment for their diversification.

I was one of those Senators who stood on the floor of the Senate and argued that the date should be advanced beyond that date. The Treasury suggested in their change of regulation. It was suggested on the floor of the Senate that I was practically a pirate because I was taking the side of the business people. I thought the Treasury was moving and I suggested that the business people and they should have more time to adjust to Treasury regulations.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. LONG of Louisiana. I shall yield in just a moment but first I wish to get the Record straight.

So what we are talking about here is a change of Treasury regulations. The change they are proposing, as they are considering it at this moment, would be to set a date of March 15 with regard to the sale of these industrial development bonds. So far they are at the stage where hearings will be suggested. Industry may request a hearing and they would get hearings, and every Member of Congress could contact the Treasury and tell them what they think the final regulation should be.

If the Treasury decides to change the proposed regulations there is nothing required about that date. They could make the date June 15 or August 15 if they so decide.

Mr. MONRONEY. What they have done is to set March 15 as the date for the effective strangulation of the commerce in these bonds. They have shot down in midflight the property of hundreds if not thousands of municipalities which are marketing these bonds, by proposing March 15. The purpose of the regulation of the Treasury, as the Senator knows, of giving preclearance to tax exemptions for these bond issues.

If preclearance is not given, then the bonds will not be sold. There is one who has a bond issue knows that if we do not get preclearance from the
Treasury, we put a rope around the neck of industry and it will be successfully strangled. I tell the Senate that is tantamount to putting a big sign on the door of the First National Bank of X city, 'This bank is closed.' That is why I am asking for a strong vote of protest against this unstrangled. I tell the Senate that is tantamount, illegal assumption of congressional power by the Treasury Department.

I have no objection to any of the individuals in the Treasury Department. I love them all. But I do think that some members of the body that makes the laws, and they are an administrative body downtown, even though they are the Treasury Department, and they have no right to make the laws.

Mr. LONG of Louisiana. If I might pursue the point for a moment, the Senator keeps talking about this being the law, that we make the laws. That is true. The fact is, the only laws on this issue are under section 103 of the Internal Revenue Code. That section refers to State and local government bonds.

That was put on there to prevent a contest to see whether the Federal Government or the State or local government bonds, and are not a form of corporate finance, they cannot be required to register under the Securities and Exchange Commission law.

The Senate has applauded the Securities and Exchange Commission, which is proposing to change its regulations. If the SEC is right, and the Senator has applauded them and is suggesting that they are right, then the exemption falls, and I think illegal assumption of congressional power by the Treasury Department.

Mr. MORTON. Mr. President, will the Senate from Louisiana yield?

Mr. LONG of Louisiana. I yield.

Mr. MORTON. The Senator from Louisiana is correct in the facts as he has stated—there is no question about that—as he always is. But the Senator from Oklahoma makes the point, which I think is a valid one, that by saying March 15, by even implying March 15—right up to the present time the Senator says, it would be August 15 and there will be a hearing, regulations can be changed, or we can let it stand, as it will—the market for the bonds is dried up and will dry up completely because the underwriters will look at the March 15 figure, regardless of the debate which has developed here on the floor. That is the point the Senator from Oklahoma has made. I think that most of us in the 40 States who live downtown, right or wrong, find ourselves caught in a position with a lot of business pending with certain anticipations to give employment. 'Church is out,' frankly.

Mr. LONG of Louisiana. The Treasury Department has put some date on its proposed regulation, to try to restrain those who would come charging in in a great flood of applications to get under the wire, if it named some date perhaps 3 or 4 months in the future. The Senator is aware, from his experience on the tax-writing committee, that when the Treasury yields on these matters, the first matter it yields to are usually those who had a reasonable amount to continue the market that time they issued the proposed ruling. That is how it was in regard to the swap funds and on other occasions. They yielded usually to people who acted in good faith, such as the Senator from Mississippi referred to.

Mr. MORTON. I agree with the Senator on that, that this is absolutely true. But as the Senator well knows, the bond market is tight, and this is what the Senator from Mississippi referred to.

Mr. MORTON. I agree with the Senator on that, that this is absolutely true. But as the Senator well knows, the bond market is tight.

This morning I read in the Wall Street Journal that plant expansion for 1968 would be 5.8 percent over 1967, that 1967 was only 1.6 percent over 1966. We are in a tight credit squeeze in this country. So the difficulty to the small communities which the Senator has been describing so eloquently, as well as the Senator from Wyoming, the Senator from Mississippi, and others.

The thing that troubles me is that this March 15 date, regardless of the fact that what the Senator from Louisiana says is absolutely right, and he has given an accurate picture of the situation, means that the market will dry up for this, anyway, and it will be assumed that it will be March 15 or at least they will wait until determination is made, and meanwhile everything will stop. That is what is troubling me.

Mr. LONG of Louisiana. It seems to me that if we are changing policy, we should seek to change it in a revenue bill, a tax bill, which this is not—a bill that would be effective in telling the Treasury that the regulation should be changed in this fashion. The Senate should do it that way—that is, rather than simply to appropriate another $25,000 to see that somebody has some doubts and do not like what the Treasury is proposing to do.

Mr. MORTON. The March 15 date will stop everything, right now, I tell the Senator that.

Mr. LONG of Louisiana. We will have that excise tax bill on the floor before March 15. That is a big bill. The President almost has to sign that.

Mr. MORTON. March 15?

Mr. LONG of Louisiana. March 15; that is correct.

We are conducting a hearing tomorrow morning. I have no reason to think that the hearing will take more than 1 day. Only one witness has been asked to testify. That is a $4 billion bill. Only one witness has been asked to testify.

Mr. BROOKE. Mr. President, will the Senator from Louisiana yield?

Mr. LONG of Louisiana. We will have that excise tax bill on the floor before March 15. That is a big bill. The President almost has to sign that.

Mr. BROOKE. I think the Senator from Louisiana will agree that the reasons given by the distinguished Senator from Oklahoma are valid and persuasive. As I understand the thrust of his argument, we are trying to protest action on the part of the Treasury Department. If that is what the Senator intends by his amendment—and I think that is what he has said—I do not see why we would have to protest to the tune of $25,000. Can we not protest to the tune of $1, saying there is no action intended by this amendment? We cannot direct the Treasury to act at this time. This is not action, and this amendment will not be action by the Senate, as brought out by the Senator from Louisiana.

So my question is directed to the Senator from Oklahoma: Can we not reduce this $25,000 protest?

Mr. MONROEY. Mr. President, if the Senator from Louisiana will yield—no; this is a realistic amendment. I have been the chairman of this Committee and I have been forced to use a guesstimate as to what I think would be a reasonable amount to continue the preclearance of applications for tax-exempt municipal, county, or State bonds. In the event the Secretary of the Treasury would proceed, as the discussion here has revealed many Members wish them to do, we would have a realistic figure, and not a phony figure.

This is a businesslike amendment to make funds available for the time between when the distinguished Senator’s Finance Committee can bring the matter over after a hearing and the time when the Treasury Department could do something about it. This would be an amount sufficient to carry on this work. That is the purpose of the $25,000.
I first had it $10,000. When I discussed it with the staff of the Appropriations Committee and realized it was not sufficient, we made the amount $25,000 to finance the operation. If that amount were not necessary to carry on this work, then the protest would be rejected. But if it is a protest and, in the light of the debate, I think it is worth a $25,000 protest, and not a two-bit or a $1 protest.

Mr. BROOKE. My question is: Have we levied a $25,000 protest already?

We have been debating it here for an hour and a half. I wondered if the Senator had arrived at the figure—I will not say arbitrarily, but I wondered how he arrived at the $25,000 figure.

Mr. MONROONEY. I believe it is a realistic figure.

Mr. LONG of Louisiana, Mr. President, permit me to say the Treasury of the United States feels that the regulation it has should be changed. If the Treasury serves notice it wants to change the regulation, it seems to me that we should not seek to vote something through that would not have the effect of law, but would be an entirely arbitrary and illegal attempt to decide a matter against his own convictions.

It seems to me the appropriate way to do it is to proceed to seek an amendment to any one of the tax bills and give some of us who have some responsibility in connection with that subject adequate notice, so it can be appropriately debated and offered, and so we can make available the information made available to us and also be informed by the other side.

Mr. MONTOYA. Mr. President, will the Senator yield briefly?

Mr. LONG of Louisiana. I yield.

Mr. MONTOYA. I have been listening to the Senator from Louisiana state the genesis of this particular law, and that it arose by virtue of the section he quoted, and the Internal Revenue Code which it is founded on.

Senator YARBSOOGuen. I have quoted the section he quoted, and it is founded on the Internal Revenue Code.

Mr. LONG of Louisiana. Perhaps the Senator was here when I explained that there is a rule of law that the Treasury might have the right originally under the law, how can they have the right to grant or to withdraw that right?

Mr. MONTOYA. Another point I want to make with the Senator from Louisiana and the Members of the Senate is this: We had some municipal elections in New Mexico where bonds were approved, and the notice of the regulation, or the notice of the intended action, appeared in the newspapers the day after the elections. It has been quite a shock to many municipalities in New Mexico. I doubt that New Mexico can sell those bonds, even though they have been authorized by the people, because the contemplated action, as it appeared in the newspapers, leads us to believe that the regulation will become effective on March 15. It is for this reason, and because of the lack of time to attack this matter, that I would heartily approve of the expression which is represented by the amendment offered by the Senator from Oklahoma.

Mr. LONG of Louisiana. Perhaps the Senator was here when I explained that there is a rule of law that the Treasury may have the right originally under the law, how can they have the right to grant or withold that right?

Mr. MONTOYA. The point I want to make is that if the Treasury did not have the right originally under the law, how can they have the right of regulating the right of exemption?

Mr. LONG of Louisiana. We have been delegated to the Treasury the right to determine the extent to which regulations shall be applied retroactively, and this suggested regulation would be prospective from the date it was announced.

Mr. MONTOYA. Yes; but any regulatory power that the Treasury might have must be pursuant to a definitive standard set in the law, and there is no such definitive standard set in the law to grant grandfather exemption for bonds that have been issued and to remove the exemption from bonds that may be sold in the future.

Mr. LONG of Louisiana. Section 7805 of the Internal Revenue Code does give the Secretary authority to make regulations, and the regulations which he has applied up to this point are in pursuance of regulations adopted under that authority.

He has the right not only to make regulations, but to change regulations. He must give notice under the Administrative Procedure Act and give people an opportunity to be heard. When he makes a regulation and subsequently changes that regulation, those who were the beneficiaries of the prior regulation are not prejudiced unless he seeks to prejudice them by the change for the future.

Mr. MONTOYA. The point I want to make with the Senator from Louisiana is that if the Treasury has power, by regulation, to provide an exemption on bonds that will be sold in the future, then, perforce, the Treasury also has power to grant exemption on bonds sold in the past. In the past, perforce, the Treasury has power to grant exemption on bonds sold both in the past and in the future is within the purview of the existing law.

Mr. LONG of Louisiana. Yes; that is right.

Mr. MONTOYA. Another point I want to make with the Senator from Louisiana and the Members of the Senate is this: We had some municipal elections in New Mexico where bonds were approved, and the notice of the regulation or the notice of the intended action appeared in the newspapers the day after the elections. It has been quite a shock to many municipalities in New Mexico. I doubt that New Mexico can sell those bonds, even though they have been authorized by the people, because the contemplated action, as it appeared in the newspapers, leads us to believe that the regulation will become effective on March 15. It is for this reason, and because of the lack of time to attack this matter, that I would heartily approve of the expression which is represented by the amendment offered by the Senator from Oklahoma.

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Mr. LONG of Louisiana, Mr. President, permit me to say the Treasury of the United States feels that the regulation it has should be changed. If the Treasury serves notice it wants to change the regulation, it seems to me that we should not seek to vote something through that would not have the effect of law, but would be an entirely arbitrary and illegal attempt to decide a matter against his own convictions.

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Mr. MONTOYA. Mr. President, will the Senator yield briefly?

Mr. LONG of Louisiana. I yield.

Mr. MONTOYA. I have been listening to the Senator from Louisiana state the genesis of this particular law, and that it arose by virtue of the section he quoted, and the Internal Revenue Code which it is founded on. The Treasury has been empowered the Treasury to exempt municipal, State, and local bonds. Under that section, the Senator stated, the Treasury was under a misapprehension that it could apply to industrial revenue bonds; but the Treasury has now come to the conclusion that the exemption does not apply, and that it contemplates changing the regulation so as to clarify that point.

Is that correct?

Mr. LONG of Louisiana. Yes.

Mr. MONTOYA. It is also my understanding that in any regulation that might be promulgated, grandfather rights of exemption?

Mr. LONG of Louisiana. If the Treasury did not have the right originally under the law, how can they have the right of regulating the right of exemption?

Mr. MONTOYA. The point I want to make is that if the Treasury did not have the right originally under the law, how can they have the right of regulating the right of exemption?

Mr. LONG of Louisiana. Perhaps the Senator was here when I explained that there is a rule of law that the Treasury may have the right originally under the law, how can they have the right of regulating the right of exemption?
preparation for future work, willingness to return to school and think in terms of work careers, and the opportunity to make a constructive contribution to the community.

With this unanimity on all sides—from mayors and other elected officials, neighborhood organizations, private agencies, local agencies, and the like—that the summer work experience programs for youth are a valuable and vital supplement to more traditional school year programs. Most cities and towns have started planning now to broaden the range of constructive youth activities and to be available for youth, once the schools have closed. These funds will assist our localities in this vital effort.

Moreover, in view of the splendid efforts now being made by the newly formed National Alliance of Businessmen, under the chairmanship of Henry Ford II, to promote summer job programs for needy youth, many summer program proposals will be directed toward the elimination of summer work. This means, for first, employment and training of youth from poverty areas of the center cities, and, second, making an immediate and positive "impact" in these areas. The Federal Government should, with the cooperation of all cities and other private enterprises, work toward the development of work experience programs which will have the use of these moneys for that purpose in some situations.

Mr. TYDINGS. Mr. President, I should like to ask the Senator from West Virginia whether or not funds contained in the $75 million appropriation could be used to staff neighborhood centers located in neighborhoods with a large portion of disadvantaged residents.

Mr. BYRD of West Virginia. It would appear to me that this money could not come within the intent of the committee in providing the appropriation.

Mr. TYDINGS. Would the Senate explain whether or not the money could be used in work experience programs in the form of work experience projects, who might otherwise be dropouts, to return to school?

Mr. BYRD of West Virginia. Definitely yes.

Mr. TYDINGS. Could the money be used to provide meaningful jobs which would encourage disadvantaged youth to seek new career possibilities in such fields as recreation—working in parks, playgrounds; health—hospitals, medical clinics; government—municipal and State government facilities; education—schools, school administration facilities; as well as business—clerical, operating office machines, providing services in government and nonprofit organizations?

Mr. BYRD of West Virginia. The answer is "yes," except perhaps with reference to business and nonprofit organizations.

Mr. TYDINGS. Could the money be used in projects that youths themselves can manage and run, developing a sense of responsibility and pride in what they do?

Mr. BYRD of West Virginia. I should think this would depend upon the type of project. It would require an evaluation by the Labor Department of the benefits to be derived by the youth and with regard to whether the project lends itself to such management and administration by youths. I am sure the committee did not intend that you be asked to manage projects in which they would be inefficient or which would result in a waste of the taxpayers' moneys. In answer to your question, this would require considered evaluation and judgment by the Labor Department. The committee, I am sure, would not want to see these moneys utilized in loosely administered projects just in order to put money in the pockets of disadvantaged youths. The object is to spend the money in a way that will benefit the disadvantaged youth and encourage them to try to lift themselves up and improve their own future prospects for training, education, and employment, while, at the same time, bringing about services to the communities and the taxpayers in return for the expenditures of funds.

Mr. TYDINGS. I thank the Senator for answering the questions.

Mr. LONG of Louisiana. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MONROE. Mr. President, I ask unanimous consent that the order of the roll be rescinded.

Mr. LONG of Louisiana. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk resumed the call of the roll, and the following Senators answered to their names: [No. 58 Leg.]

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The PRESIDING OFFICER. A quorum is not present.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, the following Senators entered the Chamber and answered to their names:

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The PRESIDING OFFICER. A quorum is present.

The question is on agreeing to the amendment of the Senator from Oklahoma. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia (when his name was called). On this vote I have a path with the junior Senator from Connecticut [Mr. llleccorp]. If he was present and voting, he would vote "nay." If I was at liberty to vote, I would vote "yeas." I withhold vote.

The rollcall was concluded.

Mr. BYRD of West Virginia. I announce that the Senator from Minnesota [Mr. McCarthy], the Senator from New Hampshire [Mr. McNamara], the Senator
Mr. COTTON. Mr. President, I am completing my 14th year as a Member of this body, and I believe that my record will show that during that time I have tried to cooperate with the leadership on both sides, and that I hold in affectionate regard all the Members of the Senate, on both sides of the aisle. As a matter of fact, I love Democrats, I love Republicans, I married one 40 years ago, and the national debt got beyond $300 billion before I got her registered right in New Hampshire.

But, Mr. President, recently the majority, the vast majority, because they are an overwhelming majority, in caucus or in policy—I do not know the internal machinery—laid down some rather stringent rules for the Senate. Apparently, one of those rules was that no Senator could have a member of his staff on the floor of the Senate without first obtaining unanimous consent, and that consent apparently is held over and applies only to the vote on a pending measure.

It is necessary for Senators to know and have specific information about what is going on in the Senate—information from both our own floor and from their own situation, as regards the State they represent and their constituents. Senators cannot always be present.

This afternoon, for instance, I had to be out of the Senate. I had obtained unanimous consent to have a member of my staff on the floor during the debate on civil rights, and I did not know that that consent did not carry over, so my assistant was denied access to the floor, which is in accordance with the arrangement.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. COTTON. I should like to finish describing what my trouble was, and then I shall yield.

The result was that the Senator from New Hampshire was able to get to the floor just as the voting ceased on the amendment of the Senator from Pennsylvania and carry it to my desk. All Senators who were standing and voting had been recognized. My name was called. I was recognized to vote. I whispered to a neighboring Senator asking what appropriation the vote was on—we have been voting a great deal lately—I was told that this was a motion to increase the supplemental appropriation, and therefore I voted "yea." Had I known that this motion to increase the appropriation for the Headstart program, I certainly would have voted "yea."

I believe that this is one of the best programs ever enacted in a bipartisan manner. I have consistently and publicly avowed my support of it in my own State. So I was in the position of casting a vote, through ignorance, absolutely contrary to what my desires would have been.

Now even if I were responsible—ignorance is no excuse—to know what is going on. But he is a little handicapped if in his absence he cannot have a representative on the floor.

I should like to make one or two quick amendments and the third reading of the bill. The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 15399) was read the third time and passed.

Mr. HOLAND. Mr. President, I move to reconsider the vote by which the bill was agreed to.

Mr. HILL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HILL. Mr. President, I move that the Senate insist upon its amendments, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint the conferences on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. HILL, Mr. HAYDEN, Mr. RUSSELL, Mr. ELLENBERG, Mr. HOLLAND, Mr. BYRD of West Virginia, Mr. MUSKIE, Mr. YOUNG of North Dakota, and Mr. JAVITS.

Mr. MANSFIELD. Mr. President, the Senate’s swift disposition of the urgent supplemental appropriations bill may be attributed to the standing efforts of the senior Senator from Alabama [Mr. HILL]. His great talents and energy have again been applied with the utmost skill to an appropriations measure; in this instance, one that gives significant assistance to the agencies including the Departments of Labor and Health, Education, and Welfare.

I hereby wish to thank Senator HILL for filling in so capably for the senior Senator from Rhode Island [Mr. PASTORE] who heads the Subcommittee on Deficiencies and Supplementationals but who was unable to perform the task at this time.

Joining Senator HILL to assure this great success was the senior Senator from Florida [Mr. HOLLAND], and he, also, without the most arduous effort of a member of the subcommittee, Mr. MUNDT, are to be commended for adding to the discussion their highly analytical and thoughtful advice. Our thanks also go to the senior Senator from Pennsylvania [Mr. CLARK] for offering and effectively urging an amendment that assured an improved and extended Headstart program—one of the most widely supported programs of the war on poverty.

The Senator from Delaware [Mr. WILLIAMS] added his views to the discussion with the same degree of clarity and sincerity always noted in his contributions; and, even though the Senate did not approve his request to reduce the appropriation, we appreciate his splendid cooperation in assuring final passage of the bill today.

Other Senators on both sides of the aisle also deserve our commendation. Notable were the efforts of the Senator from Oklahoma [Mr. MONROEY], the Senator from Ohio [Mr. LAUSCHE], and the Senator from Colorado [Mr. ALIOTT].

Frankly, Senator from Ohio may be proud of another fine achievement, one attained with the utmost efficiency and with full consideration for the views of every Member.

Mr. MONROEY’s amendment was rejected.

Mr. LONG of Louisiana, Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. PROXIMIRE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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The motion to lay on the table was agreed to.
I would like to point out that the House of Representatives has limited debate, that they have 435 Members to man the same number of committees that the Senate has 103 Members; that the possibility of the Representative being present during the limited hours the House of Representatives is in session is not comparable at all to the situation in the Senate, and I want the Record clear.

I have not stated that attaches did not disturb somebody else. I said I had my choice to elect a seat in the back which I have had here a number of years and I have never been disturbed. I thought in fairness to the Senator from New Hampshire I wanted that in the Record, because it is accurate.

Mr. MANSFIELD, I appreciate that, but may I say this briefly?

Mr. COTTON. On that point, I agree thoroughly that the permission to have staff members on the floor has been abundantly shown by my fellow Senators on the floor at times. I also agree unquestionably that the decision that was made was made sincerely in the interest of the dignity and decorum of proceedings in the Senate. I agree to that, but over in the House of Representatives, under the rules, a Member knows pretty well that there is a time when amendments are being offered, debate is limited and what they are voting on.

Every Senator within the sound of my voice knows very well that you can come over here to the Senate—and I am not criticizing—and sit here all day long expecting to have a vote on an amendment.

Mr. MANSFIELD. We have just proved that.

Mr. COTTON. And after sitting here for four hours, a Senator can start back to his office, get halfway there and the vote comes. That cannot be helped.

The distinguished majority leader and I will never have any misunderstanding because no one respects him more than I. But when he says that over in the House of Representatives a Congressman has to be a Congressman, he implies that over here a Senator is not a Senator unless he is here and is never caught away from his seat when an unexpected vote finally comes, after hours and hours and hours and hours. It is impossible to impose on him the necessity of the formality of more courtesies from him than I. But when he says that over in the House of Representatives a Congressman has to be a Congressman, he implies that every Senator could not agree to that, but over in the House of Representatives, under the rules, a Member knows pretty well that there is a time when amendments are being offered, debate is limited and what they are voting on.

The whole point is that a Senator, if he is not on the floor, must make some provision that he can find out what is going on and come into the Chamber at the right time and vote intelligently.

Perhaps that might not happen very often, and the Senator from New Hamp-
shire is unduly irritated at this moment because, through no fault of his own, he found himself in the position of casting a vote against a motion which he would have voted for if he had had the opportunity to know exactly what the vote was on.

Mr. MANSFIELD. Mr. President, will the Senator from New Hampshire yield?

Mr. MANSFIELD. The Senator has a right to be irritated because he has indicated many times, as I recall personally, his great interest in this particular program. But he misinterprets me, or I misspeak myself if he thinks that what I mean is that the Senator should be at his desk in this Chamber all the time in order to be a Senator. I do not mean that. The trouble is that in the summer this Chamber is lined up with interns. They are not at work in Senator's offices. A Senator sends them over here, and they are all over the place. I like a little leeway, myself. I like a little room. I like a little freedom. I like to go out into the lobby and look at the ticker tape, read the news, but I sometimes have to wait until the attaches get out of the way. I think we should do these things in our own best interests. I think that is in the tradition of the Senate that we do it，则，of course, exceptions and on occasion when bills are considered. I am sure that, in that respect, the distinguished Senator from New Hampshire would agree with me completely.

Mr. COTTON. I agree with what the President is saying. I sympathize with his reasons. I do not suppose that there is any rule that can ever be made, or ever enforced, that does not occasionally work a hardship upon someone. But it did seem to me that it was placing an undue burden upon a Senator to enforce the rule as rigidly as this one was.

I do not think any Senator should ever have the experience of having more than one person from his office in this Chamber at any time. I do not expect to have the rules of the Senate or the will of the majority tipped over just because I do not want them. I will not content myself by saying, for the purpose of the Raccoon, that inadvertently I found myself casting a vote which I never would have cast, if I had had even 2 minutes' time.

Of course, another thing that has been done is to prevent a delay of the rollcall. I think that is a good thing. I certainly commend the leadership for that, because if the Senator made the motion to look simple, it is to have Senator after Senator get up and address the Chair to ask how he has been recorded. I think that is an improvement. But, on the other hand, it is also possible that Senators have to get to the Chamber, and to get informed as to amendments—when they are coming thick and fast—which have been offered and have time to vote upon them.

Today, I just happened to be a victim of these circumstances.

Mr. LONG of Louisiana. Mr. President, will the Senator from New Hampshire yield?

Mr. COTTON. I yield.

Mr. LONG of Louisiana. I have much sympathy for what the Senator has just stated. It seems to me that in the trial-and-error process of maintaining more dignity and more quiet in this Chamber, and with less confusion, it would be well to remember that the rules of the Senate have been used twice now so that one need not have to obtain recognition of the Chair in order to bring someone into the Chamber. I am reluctant to interrupt a Senator when he needs to advise one to advise me on a tax bill—as I did today—and that I must ask unanimous consent that he have the privilege of the floor, or advise me to provide any technical instruction. I might need. I would hope that perhaps procedures may be modified so that when a request is made it would simply say that no one shall be permitted other than certain persons, unless specifically authorized by the Sergeant at Arms or some particular person designated, that it would not be necessary to have the recognition and get consent of the Chair.

If a Senator has a problem, he could simply call the Sergeant at Arms or the Secretary of the Senate and request that his administrative assistant or some particular person be permitted the privilege of the floor so that they could keep a member informed while he is serving elsewhere. I believe that with some trial and error perhaps we could work this out so that we could work out a thing or two, so that the objective of those who want less interference and less disturbance in the Senate Chamber could be accommodated, at the same time that the problem which the Senator from New Hampshire has referred to.

Let me say that I have great sympathy for the viewpoint of the Senator from New Hampshire, and I believe that he has performed a valuable service to the Senate by expressing it.

Mr. BYRD of West Virginia. Mr. President, will the Senate from New Hampshire yield?

Mr. COTTON. I yield.

Mr. BYRD of West Virginia. Mr. President, attention to the staff gallery which is just behind where the Senator from New Hampshire is standing. In that staff gallery is a man whose name I might not mention. He is serving elsewhere. I believe that with some trial and error perhaps we could work this out so that we could work out a thing or two, so that the objective of those who want less interference and less disturbance in the Senate Chamber could be accommodated, at the same time that the problem which the Senator from New Hampshire has referred to.

Mr. COTTON. I yield.

Mr. BYRD of West Virginia. Mr. President, on some occasions a Senator would have to be a clairvoyant to read the staff members' mind, because he would not be able to see him among those stacked around the walls.

Mr. COTTON. Mr. President, I do not want to make a Federal case out of this, but I did want to call it to the attention of the leadership. I wanted to state clearly for the Raccoon my position on this vote this afternoon. I wish to thank the majority leader for his courtesy.

Mr. BYRD of West Virginia. Mr. President, if I may say one word further, the Senator will never have an objection interposed by me if he wishes to ask questions. I would be very pleased to have a member of his staff on the floor.

Mr. MANSFIELD. Mr. President, we will see what we can do to straighten this out so that an incident such as took place today will not happen again.

THE LIBERALIZATION OF PAYMENT OF PENSIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn
to the consideration of Calendar No. 890, H.R. 12555.

The PRESIDING OFFICER. The bill will be read by title.

The LEGISLATIVE CLERK. A bill (H.R. 12555) a joint resolution of the United States Code to liberalize the provisions relating to payment of pension, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LONG of Louisiana. Mr. President, it is with a great deal of pleasure that I call up a veterans' bill, H.R. 12555, which provides long-range protection for VA beneficiaries whose monthly benefits are income related.

The bill achieves its objective in three ways: First, by establishing a new, expanded multilevel income limitation system for the so-called new pension and the parents' dependency and indemnity compensation program; second, it increases significantly the dollar limits of the new and old pension programs and the parents' DIC programs with an across-the-board increase of these limits by $200; and third, it provides a phase-in period for those VA recipients who also receive social security benefits, recently increased by the 1967 Social Security Amendments.

I need not remind Senators of the adverse effect that retirement income increases have on a VA pensioner's payment—a situation which has long been of concern to Congress. I was heartened when the administration joined in the Senate determination to provide some relief to veterans, widows, and children whose livelihood depended in great part upon their pension payments.

Several times the Senate has had occasion to pass measures which would have provided some relief to this problem, but each time, we were met with opposition by the House. However, when we conferred on S. 16 with the House members, they agreed that once the social security increase was determined, some action would be taken to assure that a minimal increase in social security would not result in a large loss of pension to a veteran or his survivors. The House passed H.R. 12555 by a vote of 335 to zero and it was favorably recommended by the Committee on Finance. It goes far in achieving the objective of insuring protection for the pensions of our veterans and their dependents.

In providing this protection, as well as affording a built-in increase in pensions for most VA recipients, the first full year cost of the bill is $138 million. This is a small cost in relation to the recognition of the obligation the Congress owes to the more needy veteran families of the United States.

Mr. President, I ask that the Senate favorably report this bill, after hearing the views of those Senators who want a more detailed report of the principal provisions of the bill. I ask unanimous consent to insert at this point in the Record a summary prepared by the staff of the Committee on Finance.

There being no objection, the summary was ordered to be printed in the Record, as follows:

**Summary of Principal Provisions of H.R. 12555**

H.R. 12555 makes a number of substantial changes in the veterans pension and survivor compensation programs, particularly with respect to the income limits.

Income limits determine a veteran's (or his survivor's) eligibility for benefits and the amount he would receive. Under the dependency and indemnity (DIC) program, H.R. 12555 substitutes 18 limits for the three in the pension law applicable to each survivor under the DIC program. It also substitutes 13 gradations for the five in the DIC program for a widowed parent. The following table illustrates these gradations and monthly amounts:

<table>
<thead>
<tr>
<th>Income Limit</th>
<th>Existing law</th>
<th>1968 law</th>
<th>1969 law</th>
<th>Amendment 1970</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>$100</td>
<td>$120</td>
<td>$120</td>
<td>$120</td>
</tr>
<tr>
<td>1,000</td>
<td>$100</td>
<td>$120</td>
<td>$120</td>
<td>$120</td>
</tr>
<tr>
<td>2,000</td>
<td>$100</td>
<td>$120</td>
<td>$120</td>
<td>$120</td>
</tr>
<tr>
<td>3,000</td>
<td>$100</td>
<td>$120</td>
<td>$120</td>
<td>$120</td>
</tr>
<tr>
<td>4,000</td>
<td>$100</td>
<td>$120</td>
<td>$120</td>
<td>$120</td>
</tr>
<tr>
<td>5,000</td>
<td>$100</td>
<td>$120</td>
<td>$120</td>
<td>$120</td>
</tr>
<tr>
<td>6,000</td>
<td>$100</td>
<td>$120</td>
<td>$120</td>
<td>$120</td>
</tr>
<tr>
<td>7,000</td>
<td>$100</td>
<td>$120</td>
<td>$120</td>
<td>$120</td>
</tr>
<tr>
<td>8,000</td>
<td>$100</td>
<td>$120</td>
<td>$120</td>
<td>$120</td>
</tr>
<tr>
<td>9,000</td>
<td>$100</td>
<td>$120</td>
<td>$120</td>
<td>$120</td>
</tr>
<tr>
<td>10,000</td>
<td>$100</td>
<td>$120</td>
<td>$120</td>
<td>$120</td>
</tr>
<tr>
<td>11,000</td>
<td>$100</td>
<td>$120</td>
<td>$120</td>
<td>$120</td>
</tr>
<tr>
<td>12,000</td>
<td>$100</td>
<td>$120</td>
<td>$120</td>
<td>$120</td>
</tr>
<tr>
<td>13,000</td>
<td>$100</td>
<td>$120</td>
<td>$120</td>
<td>$120</td>
</tr>
<tr>
<td>14,000</td>
<td>$100</td>
<td>$120</td>
<td>$120</td>
<td>$120</td>
</tr>
<tr>
<td>15,000</td>
<td>$100</td>
<td>$120</td>
<td>$120</td>
<td>$120</td>
</tr>
<tr>
<td>16,000</td>
<td>$100</td>
<td>$120</td>
<td>$120</td>
<td>$120</td>
</tr>
<tr>
<td>17,000</td>
<td>$100</td>
<td>$120</td>
<td>$120</td>
<td>$120</td>
</tr>
<tr>
<td>18,000</td>
<td>$100</td>
<td>$120</td>
<td>$120</td>
<td>$120</td>
</tr>
<tr>
<td>19,000</td>
<td>$100</td>
<td>$120</td>
<td>$120</td>
<td>$120</td>
</tr>
<tr>
<td>20,000</td>
<td>$100</td>
<td>$120</td>
<td>$120</td>
<td>$120</td>
</tr>
</tbody>
</table>

(b) Monthly Benefit.—These additional gradations permit a more orderly and gradual reduction in monthly benefits required because of slight increases in other income, such as, for example, social security.

(c) Minimum Income Limit.—In the case of a single veteran under the new pension program the minimum annual income limit under present law (which qualifies a veteran for $104 of monthly benefits) would be replaced by a $300 limit (and a monthly benefit of $110). This feature recognizes that the less income a veteran has the greater his need. And it provides him with a larger pension up to $72 more per year.

(d) Maximum Income Limit.—In the case of a single veteran under the new pension program the maximum amount of outside income a veteran may receive and still qualify for benefits is $1800. H.R. 12555 would raise this to $2500, recognizing the 15% increase in social security payments enacted in 1968.

(e) Conforming Changes.—Comparable changes would be made in the schedules under the pension program for veterans with dependents, the death pension program, and under the DIC program for parents.

1. Old Law Pensioners.—The only change contemplated by H.R. 12555 in the old program is to raise the present $1400 limit for a single veteran and the $2700 limit for a married couple. This increase reduced the 15% increase in social security payments enacted in 1968.

II. Relation to Social Security.

(a) H.R. 12555 would assure that no pensioner under the new program would have his benefit reduced during 1968 and 1969 solely as a result of an increase under the Social Security Amendment of 1967. However, if the veteran's (or survivor's) income for the purpose of applying the income limitations under the DIC program, H.R. 12555 would assure that no DIC pensioner would have his benefit reduced during 1968 if his total income exceeded the DIC maximum ($1444). However, if the veteran's (or survivor's) income was more than $1444, it would be increased in multiples of $400; and a further reduction in his pension would be $25 per month would occur. The foregoing example reflects the 15% exclusion of retirement income from a veteran's annual income for pension purposes. (This gradual and more restricted reduction in benefits would continue to $48 in 1969 required by existing law.)

The net effect of the bill after all social security benefits had been taken into consideration is to assure that generally his aggregate income will be greater than it was before the social security increase occurred in 1968.

(b) Old Law.—Presently, the so-called old pension law program has two levels of income limits determining pension eligibility; namely, $1400 for a single veteran and $2700 for a married veteran. To accommodate the 15% social security increase enacted in 1968, H.R. 12555 would raise these limits by $200 to $1600 and $2900 respectively. This would avoid the otherwise harsh result that would occur if the veteran had some income from sources other than social security in 1968. For example some pensioners could forfeit up to $78.75 monthly ($945 yearly) resulting from an average $144 a year of social security in excess of $801.

III. Social Security increase.—The provisions of H.R. 12555 do require the VA pensioner to include VA benefits in his income for pension purposes and this has the effect of reducing his VA pension (but not as drastically as under present law).

IV. End of year reduction.—Under present law when there is a change in income of pensioners due to an increase in payments under a public or private retirement program such as social security, the reduction or discontinuance of the pensioners VA benefits is determined as of the last day of the year in which the income change occurred. H.R. 12555 would extend this same treatment to any increase in the income of the VA recipient, regardless of the source of the income, in the corpus of a VA recipient's estate.

V. Costs.—The costs of the amendments made by H.R. 12555 are made up of two parts. They are:

(a) Increase in Pension and Income Limits.—This proposal would have a net effect of increasing the benefits of pensioners and their dependents.

(b) Phase-in.—The phase-in period is designed to provide the elderly with adequate time to adjust to the 15% increase in social security payments and to make plans for any new retirement income which might have an adverse effect on their VA pension.
March 11, 1968 6035
CONGRESSIONAL RECORD — SENATE

D. C. and expansion of income limits on a yearly basis over a five-year period is as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Old Law M.P.</th>
<th>Pension (D.C.) Total (millions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st year</td>
<td>$22.2</td>
<td>$10.1</td>
</tr>
<tr>
<td>2nd year</td>
<td>$21.1</td>
<td>$9.7</td>
</tr>
<tr>
<td>3rd year</td>
<td>$20.6</td>
<td>$9.2</td>
</tr>
<tr>
<td>4th year</td>
<td>$19.6</td>
<td>$8.5</td>
</tr>
<tr>
<td>5th year</td>
<td>$18.5</td>
<td>$7.8</td>
</tr>
<tr>
<td>Total</td>
<td>$108</td>
<td>$29.6</td>
</tr>
</tbody>
</table>

(b) Social Security Increase Protection.—The costs attributable to pensioners remaining on the rolls of the phase-out provision of the bill, who would otherwise have been removed from the rolls because of their increased social security benefits (as well as those whose VA benefits will not be reduced) is as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>New law</th>
<th>Old law</th>
<th>Total pensions (millions) and DIC</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st year</td>
<td>$2.38</td>
<td>$2.1</td>
<td>$4.4</td>
</tr>
<tr>
<td>2nd year</td>
<td>$2.8</td>
<td>$7.3</td>
<td>$16.1</td>
</tr>
<tr>
<td>3rd year</td>
<td>$2.9</td>
<td>$5.9</td>
<td>$8.8</td>
</tr>
<tr>
<td>4th year</td>
<td>$2.9</td>
<td>$5.2</td>
<td>$8.1</td>
</tr>
<tr>
<td>5th year</td>
<td>$3.2</td>
<td>$5.2</td>
<td>$8.4</td>
</tr>
<tr>
<td>Total</td>
<td>$13.4</td>
<td>$27.1</td>
<td>$40.4</td>
</tr>
</tbody>
</table>

The figures do not represent additional Federal outlays. They reflect the continuation of payments to veterans (and survivors) whose VA social security benefits increased under the 1967 Act. The total represents the savings which would accrue if this bill were not enacted.

Mr. CURTIS. Mr. President, I am happy to join with the distinguished chairman of the Committee in urging the Senate to adopt H.R. 12555, as reported by the Committee on Finance.

This bill essentially establishes a long-range system, protecting veterans and their dependents from disproportionate losses of VA benefits due to increases in other income. The adverse effect that an increase in retirement income such as social security has on a veteran pension was dramatically highlighted when Congress authorized the 1965 social security increase. Members of both Houses received literally thousands of letters from veterans who would otherwise have been removed from the rolls because of the phase-out provision. The Senate introduced measures designed to cope with the problem. Numerous times, the Senate adopted these proposed solutions only to have the House reject the Senate's position in conference. Finally, the Veterans' Administration as well as the White House realized that something had to be done in this regard and joined in the fight to protect the veteran's pension. In the last two veterans messages, the administration requested that legislation be enacted that would protect our needy veterans and their families from sharp losses in their pension benefits. H.R. 12555, as passed by the House of Representatives and favorably reported by the Committee on Finance, provides an acceptable solution to this problem.

In liberalizing the income limits of the new law pension program and in the dependency and indemnity program by substituting a multistep income limitation system for the present three-step and five-step limitation and combining with this new income level, benefits commensurate with the revised structure, the bill cushions the effect that would otherwise result from a minimal income loss in VA benefits. Over 2 million VA recipients will be protected against loss or sharp reduction of their benefits as the result of this action. Further, nearly 1.2 million veterans will receive actual increases in their monthly VA checks.

For the old law pensioners the bill provides protection by increasing their present maximum income limits from $1,900 and $2,700 to $1,600 and $2,900.

Another important feature of the bill, which recognizes the apparent of the Senate to meet the problem of retiree income vis-a-vis pension, provides a phase-out of the 1965 social security increase. Under this special provision beginning in 1970, 100 increments of the 1967 social security increase will be recognized as income for pension purposes on a yearly basis until the full amount of the increase has been absorbed into the veteran's income.

We are fully aware that the phase-in will carry with it a minimal reduction in the veteran's pension payments, but the important factor is that generally, no veteran, widow, or child, will end up with less annual income than he had prior to the 1967 social security increase. The Congress may have to look at this problem again by 1970.

It is important to note that the major veteran organizations have indicated their support for the bill passed by the House and as favorably reported by the Finance Committee.

I think it is only just to state that the Senate has laboring long in the vineyard of relief and the fruit of those labors is now at hand. I therefore urge that the Senate join with the President in passing this bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 1009) explaining the purpose of the bill.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

1. Purpose.

H.R. 12555 is designed to liberalize both the "new law" and the "old law" pension programs and the dependency and indemnity compensation program (DIC) by—

(1) Incorporating the monthly amounts payable under the new law pension and DIC programs;

(2) Phasing the income limitations of these programs as well as "old law" pension and DIC programs;

(3) Phasing-in recipients of the 1967 social security increase to a new multilevel income program;

The bill would also assure that increases in the individual income of a veteran, regardless of the source, or changes in the corpus of a VA recipient's estate do not decrease or terminate a VA benefit until the beginning of the next calendar year. Under present law this sort of deferral applies only with respect to increases in retirement benefits. The major object of the bill is to design a long-range system to protect the veteran from the disproportionate pension losses that could result from inclusion of other income, particularly retirement income subject to periodic increases similar to social security.

II. BRIEF SUMMARY OF MAJOR PROVISIONS

H.R. 12555 makes a number of substantial changes in the veterans pension and survivor compensation programs, particularly with respect to the income limits.

A. Income limits

The income limits determine a veteran's (or survivor's) Isa to receive any VA benefits and the amount he would receive. (1) Multilevel limits.—Under present law the income limitations for veterans and survivors are established by a multilevel limit system which determines the amount he may receive. The Congress may have to look at the present legal structure in the future.

(2) Monthly benefits.—Beginning January 1969 these additional gradations permit a more orderly and gradual reduction in monthly benefits required because of slight increases in other income, such as social security. In some instances, this will mean that the recipient will receive increased monthly amounts.

(3) Minimum income limit.—In the case of a single veteran under the new pension program the minimum income limit under present law (which qualifies a veteran for $1,000 of monthly benefits) would be replaced by a $300 limit (and a monthly benefits amount of $1,000). This rule states that the less income a veteran has, the greater his need. And it provides him with a larger pension of up to $72 more per year.

(4) Conforming changes.—In the case of a single veteran under the new pension program the maximum amount of outside income a veteran would qualify for benefits is $1,000. H.R. 12555 would raise this to $2,000, in recognition of the 13-percent increase in social security payments.

(5) Conforming changes.—Comparable changes would be made in the schedules under the pension program for veterans with dependents and survivors and under the DIC program for parents.

(6) Old law pensioners.—Unlike these comprehensive revisions of the new pension program, the only change contemplated by
H.R. 12555 in the old program involves a $200 increase in the present $1,400 limit for a single veteran and $2,700 for a married couple. This addition reflects the 18-percent increase in social security payments.

B. Relation to social security

(1) New law and DIC.—H.R. 12555 would assure that no pensioner under the new law and no parent receiving dependency and indemnity compensation (DIC) would have his benefits reduced during 1968 and 1969 solely as a result of an increase in the Social Security Amendments of 1967. However, commencing in 1970 the veteran's (or survivor's) income for purposes of applying the income limitations would be increased by $1,200 for a single veteran or widower and $2,500 for a veteran with dependents or a widow with children—a $200 increase in his other retirement income for pension purposes would thus be preserved for nearly 35,000 pensioners. Since no more veterans or widows may come within the scope of this provision, the extension to this group of non-service-connected pensioners is limited.

D. Reasons for the bill

The Committee on Finance and the Senate have long been concerned with the adverse effect an increase in retirement income has on a VA recipient's pension. Both the present programs have income limits used in determining a person's eligibility for VA payments and their monthly amounts. Generally, the VA considers all income of the recipient including social security benefits, in computing his annual income for pension purposes. As reflected in the prior tables on page 4, income levels have and will have commensurate monthly benefits assigned. This is in line with the underlying needs concept of the pension and DIC program whereby the higher the recipient's other income, the lower his VA payments. Thus, a person whose annual income is just below a specific income level would have an additional increase in his other retirement income such as social security, be forced over that level into the next income bracket and have his monthly VA benefit reduced by $60 a month. His income increase brings him over the maximum level permitted by the VA, his VA payment stops.

During both the 88th and 89th Congresses, veteran measures were passed by the Senate to exclude the then proposed social security increases from a VA recipient's income for pension purposes. The Committee on Finance, together with the Senate, felt that retirement benefit increases, and, in some cases, social security increases met the additional need of retirees brought about by changes in wages, prices, and other economic factors that had occurred since the previous increase in such benefits were authorized. Thus, social security benefit increases were generally deemed to be equivalent to pensions and provided with additional necessary funds to meet their everyday needs. They were not designed to provide meeting special situations for dependents and parents from continuing to receive their VA benefits. However, many such persons had their VA payments cut back or terminated because of their social security benefits. This action nullified the overall effectiveness and purpose of the increase, not only by failing to add to their overall purchasing power but also by cutting back in what they were receiving. It was this adverse effect the Senate-passed bills sought to avoid.

None of the House measures adopted by the House of Representatives. The House was persuaded by that feature of law (ununchanged by the conference committee language) requiring the administrator to reduce by 10 percent the VA pension (80 percent of the pensioner's VA benefit is delayed until the last day of the year in which the income change occurs). This method of calculation extends this same treatment to any increase in the net income of the VA recipient, regardless of the source, and to any increase in the corpus of a VA recipient's estate.

C. "Old law" pension

With regard to those individuals who receive "old law" pensions, Congressmen after the first sentence of sec. 9(b) of the Veterans' Pension Act of 1969, the bill protects such persons against loss of pension because of an increase under the Social Security Amendments of 1967. The conferees have extended this same treatment to veterans receiving a pension of $1,600 for a single veteran or widow and $2,500 for a veteran with dependents or a widow with children—a $200 increase in his other retirement income would be preserved for nearly 35,000 pensioners. Since no more veterans or widows may come within the scope of this provision, the extension to this group of non-service-connected pensioners is limited.

The budget message for fiscal year 1969 pointed out: "Legislation should be enacted to protect veterans' pension payments more closely to individual needs and provide better protection against loss of income." It is also noteworthy that the conference committee of S. 18, the Veterans' Pension and DIC Adjustment Act of 1967, asserted in its manager's report that:

"The committee wishes to make clear that it is their intention to take the necessary action to assure that any increase in social security payments which might result from enactment of H.R. 12555 in 1968 be treated as an increase in a veteran's annual income for pension purposes and not as a change in the veteran's annual income for pension purposes. This will assure that no pensioner under the new law and any parent receiving DIC will have his benefits reduced during 1968 and 1969 solely as a result of an increase in the Social Security Amendments of 1967. However, commencing in 1970 the veteran's (or survivor's) income for purposes of applying the income limitations would be increased by $1,200 for a single veteran or widower and $2,500 for a veteran with dependents or a widow with children—a $200 increase in his other retirement income for pension purposes would thus be preserved for nearly 35,000 pensioners. Since no more veterans or widows may come within the scope of this provision, the extension to this group of non-service-connected pensioners is limited."

The committee is of the opinion that H.R. 12555 largely achieves the objective long sought by the Senate (and now concurred in by both the House of Representatives and the administration) of a restriction in a reduction of combined income from VA pension, dependency and indemnity compensation, and social security of any person from the VA pension or dependency and indemnity compensation rolls."

E. End-of-year rule

The bill would extend to all income and to corpus of estate changes the more liberal end-of-the-year rule. Reduction or discontinuance of benefits would apply only to an increase in retirement income. Thus, the Veterans' Administration would not look back in any given year to the previous year's reports of anticipated annual income made at the beginning of a calendar year, and if there is an increase in annual income, retirement, or other income, there would be no reduction or discontinuance of a benefit, such adjustment would be deferred until the end of the particular calendar year.

F. Overall benefits

It is noteworthy that enactment of H.R. 12555 would provide additional veterans benefits totaling nearly $438 million for the first year of the fiscal year 1969. This amount was included in the first full year benefits authorized by H.R. 14947 (Public Law 89-730) for DIC parents and survivors, veterans, and widows for the fiscal year 1967 (§77) for new and old pensioners, would mean that in less than ¼ years Congress will have authorized nearly a quarter of a billion dollars in additional pension and DIC benefits for veterans and survivors.
The committee has been advised by the major service organizations of veterans that they support H.R. 1355 as passed by the House of Representatives.

The PRESIDING OFFICER. The bill is open to amendment.

If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, was read the third time, and passed.

Mr. CURTIS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. LONG of Louisiana. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SALINE WATER CONVERSION PROGRAM

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate take into consideration Calendar No. 991, S. 2912.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2912) to authorize appropriations for the saline water conversion program, to expand the program, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs, with an amendment, to strike out all after the enacting clause and insert:

That section 6 of the Saline Water Conversion Act (66 Stat. 328), as amended (43 U.S.C. 151 et seq.), is further amended by changing the beginning of section 6 through to the first proviso to read as follows:

"Sec. 6. There are authorized to be appropriated such sums as remain available until expended, as may be specified in annual appropriation authorization acts (a) to carry out and enforce this Act during the fiscal years 1969 to 1972, inclusive; (b) to finance, for not more than two years beyond the end of said period, such grants, contracts, cooperative agreements, and studies as may therefofore have been undertaken pursuant to this Act; and (c) to finance, for not more than three years beyond the end of said period, such activities as are required to be carried out to the extent and as specified by the Congress in the legislation enacted after fiscal year 1972 to carry out and enforce the provisions of this Act during the fiscal years 1969 to 1972, inclusive, which will be stated by title.

There being no objection, the excerpt from the report—No. 1010—explaining the purposes of the bill.

PURPOSE OF THE MEASURE

The purpose of this legislation, which was proposed by the administration, is to authorize appropriations for fiscal year 1969 for the saline water conversion program and to amend the Saline Water Conversion Act in other respects.

The amount authorized to be appropriated in fiscal year 1969 is $27,358,000, which is in the amount requested in the President's budget.

The utilization of funds carried over from prior years is specifically authorized, although subject to the specific limitations set forth in each annual authorization.

The basic act is amended to remove language regarding the overall appropriation limitation; the program and limiting "declining balance" language now in the law. This amendment will simplify the legislation required to authorize appropriations for future fiscal years.

BACKGROUND

The Federal saline water conversion program was established by the act of July 3, 1953 (66 Stat. 328). Through a series of amendments (act of June 29, 1955, 69 Stat. 198; September 2, 1958, 72 Stat. 1768; September 22, 1961, 75 Stat. 628; August 11, 1965, 79 Stat. 576; October 5, 1967, 81 Stat. 873), the program has been expanded in scope and extended in term. Existing legislation authorized to be appropriated $105,782,000, plus such additional sums as the Congress may hereafter authorize and appropriate but not to exceed $69,518,000 * * * to continue through fiscal year 1972. Through fiscal year 1968, $102,300,000 has been appropriated under this authorization.

Because of the uncertainties of future direction which are inherent in a research program of this nature, it has been the policy of the Congress to require the Department of the Interior to submit legislation to authorize appropriations for the research and development work proposed for each fiscal year.

On January 26, 1968, the Department of the Interior submitted to the Congress proposed legislation to authorize appropriations for the saline water conversion program, to expand the program, and for other purposes.

The legislation provided, by amendments to the act of July 3, 1953, as amended (1) $328,000,000 for appropriations for fiscal year 1969 subject to limitations among certain activities, and (2) that funds appropriated by the Congress may be increased by not more than ten per centum if such increase is accompanied by an equal decrease in expenditures and obligations under one or more of the other items, including the last.

Sect. 3. In addition to the sums authorized to be appropriated by this Act, the Secretary may utilize any funds previously appropriated for this program which are not obligated as of June 30, 1968, for expenditures and obligations under any of these appropriation acts (a) to carry out the provisions of the Saline Water Conversion Act in other respects.

The legislation was amended to read:

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record the following amendment to the report—No. 1010—explaining the purposes of the bill:

PURPOSE OF THE MEASURE

The purpose of this legislation, which was proposed by the administration, is to authorize appropriations for fiscal year 1969 for the saline water conversion program and to amend the Saline Water Conversion Act in other respects.

The amount authorized to be appropriated in fiscal year 1969 is $27,358,000, which is in the amount requested in the President's budget. Further limitations are imposed upon the portion of this amount which may be obligated, as specified by the Congress in the legislation enacted after fiscal year 1969.

The utilization of funds carried over from prior years is specifically authorized, although subject to the specific limitations set forth in each annual authorization.

The basic act is amended to remove language regarding the overall appropriation limitation; the program and limiting "declining balance" language now in the law. This amendment will simplify the legislation required to authorize appropriations for future fiscal years.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended, so as to read:

"Billing to authorize appropriations for the saline water conversion program for fiscal year 1969, and for other purposes."

LAKE OAH E

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 992, H.R. 2961.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 2961) to designate the Oahe Reservoir on the Missouri River in the States of North Dakota and South Dakota as Lake Oahe.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report—No. 1011—explaining the purposes of the bill.
There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of H.R. 2001 is to give the official name, Lake Oahe, to the reservoir behind the Oahe Dam.

The Oahe Dam was constructed by the Army Corps of Engineers under the Flood Control Act of 1944. It is one of the largest earthfill structures in the world, and impounds a maximum water surface pool of 376,000 acres with a shoreline of 2,250 miles. The reservoir has never been named officially. It is thus the purpose of this bill to name the reservoir for the Indian people who first lived in the area. Oahe is a Sioux Indian word meaning “foundation, a place to stand upon, or a stepping stone.” Oahe Reservoir is, in fact, the foundation of the Missouri Basin development program. It is expected to be the foundation of great future development. The name is already generally accepted and in common usage.

ORDER FOR ADJOURNMENT TO 11 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 o’clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR YOUNG OF OHIO TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the reading of the Journal tomorrow the distinguished Senator from Ohio (Mr. Young) be recognized for not to exceed 10 minutes. The PRESIDING OFFICER. Without objection, it is so ordered.

ELIMINATION OF RESERVE REQUIREMENTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 989, H.R. 14743. It is being laid before the Senate so that it will be the pending business for the morning.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 14743) to eliminate the reserve requirements for Federal Reserve notes and for U.S. note and Treasury notes of 1980.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

ADJOURNMENT TO 11 A.M.

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment.

The motion was agreed to; and (at 6 o’clock and 35 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, March 12, 1968, at 11 a.m.

NOMINATION

Executive nomination received by the Senate March 11, 1968:

EXTENSIONS OF REMARKS

Will America Also Go Down the Drain?

HON. PAUL J. FANNIN OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Monday, March 11, 1968

Mr. FANNIN. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an editorial entitled “Will America Also Go Down the Drain?” published in the Arizona Republic of Sunday, February 11, 1968. The editorial is thought provoking and contains much good commonsense. I commend it to the reading of every Member of the Senate.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Will America Also Go Down the Drain?

“Germany will militarize herself out of existence, England will expand herself out of existence, and America will spend herself out of existence,” so said Nikolai Lenin in 1917. Germany has fulfilled the prophecy. England has fulfilled the prophecy. America is in the process of doing so.

Our country has already reached the point where our expenditures, wasteful, extravagant and unnecessary government spending is threatening the entire future of our nation and our people. We keep being reassured that we can afford all those billions, that the people need or want these expensive programs at home and abroad, that we only owe our huge debt to ourselves. But the dollar is in trouble. Inflation is increasing. We are losing gold at unprecedented rates. And taxes are still increasing.

In 1960 our total federal budget was $94 billion. Last year it was almost double that—$172 billion. The President has asked for $186 billion for 1969. And every state is increasing expenses and increasing taxes.

There have been 112 federal programs abolished. All the rest have been increased. Congress last year increased the budget by $13.5 billion—more than the biggest total budget of Roosevelt’s peacetime years!

We have spent $122 billion on foreign aid and interest on what we borrowed to spread this money around to more than 100 countries. What good did it do? What good did it do to you? What good is it doing now?

There is $23 billion “in the pipeline” for foreign aid. The President keeps asking for more and more billions to add to it!

Do you want to spend the $38.5 million Vice President Humphrey just promised to send to the Ivory Coast while the President was proposing a tax on American tourists going abroad?

The administration is spending millions to beautify our highways and tear down ugly signs. At the same time it is spending $5 million to erect new signs to put up along the highways! Do you want to pay taxes to finance a $2,300 picnic shelter in Manitowoc County, Wis.? How about the $2.5 million we spent to build houses in Rio de Janeiro? The $1 million we spent on a WAC barracks in Maryland just before the WACs were sent to Florida? Or the $45,000 flagpole?

You paid $35,386 for 190 knobs at the Pentagon that retailed at only $210. You paid for 27,000 tons of food that was just plain "lost" overseas. That cost $4.3 million, or the same amount that an entire city of 10,000 people pay each year in income taxes.

You are paying the salaries of 276,000 more federal employees this year than last. Non-defense spending has almost doubled since 1950. The national debt has increased 14 times since 1960. Since President Johnson entered the White House, your cost of living has increased 9 per cent!

The federal government spends $17 billion on "research." That is enough by itself to wipe out this year’s inflation-producing deficit. If we abolished all this research? Nobody knows. The Library of Congress tried to find out and reported that nobody in the federal government knows how many research laboratories are federally financed or where they are!

The Department of Health, Education and Welfare spends more than $100 million a year on research programs like “Understanding the Fourth Grade Slump in Creative Thinking.” The Commerce Department spent $85-